

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



April 7, 2011

Kevin Collins, C.B.O., Assistant Director of Building
City of Victorville
14343 Civic Drive
Victorville, CA 92392

Dear Mr. Collins:


This letter is to acknowledge receipt on February 2, 2011 of the City of Victorville submittal pertaining to Ordinance No. 2266 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

January 31, 2011

California Building Standards Commission
2525 Natomas Park Dr. , Suite 130
Sacramento, California 95833

RE: City of Victorville, Building Ordinance

To Whom It May Concern:

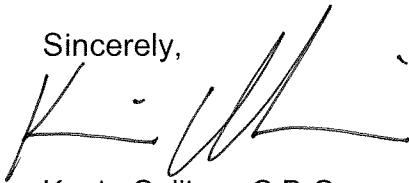
The City of Victorville has adopted the current Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Green, and Existing Building Codes of the State of California.

The City of Victorville has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2010 Editions of the California Building, Residential, Fire, Plumbing, and Green Codes are reasonably necessary due to local conditions in the City of Victorville and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Victorville.

The enclosed City Ordinance is for your files.

If additional information is desired please telephone this office at (760) 955-5120

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Collins', with a stylized flourish at the end.

Kevin Collins , C.B.O.
Assistant Director of Building

RECEIVED
2011 FEB -2 A 11:00
CALIFORNIA BUILDING STANDARDS COMMISSION

The Development Department finds the following modifications are necessary due to climatic, geological and topographical conditions within the City of Victorville.

The "Findings" contained herein address each of these conditions and present the local situations which cause the established amendments to be adopted. These amendments to the published codes are necessary and desirable for the city in order to provide sufficient and effective protection of life, health, and property.

- A. Climatic: The City is situated in the sub region of the southwestern Mojave Desert and is therefore subject to prolonged periods of high temperatures, low humidity and severe winds. Wood construction, including wood shingle and wood shake roofing, present extreme fire conditions as does the close proximity of some buildings. Adverse climatic conditions increase the likelihood of fire. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures not provided with built-in fire protection systems and features.
- B. Geological: The city is located in an area of continuing seismic activity. Existing and planned development is at risk from damage and fire because of this activity. Built-in fire protection systems will assist in the extinguishing or controlling fires in larger structures thus increasing the availability of firefighting resources after seismic activity.
- C. Topographical: The city is situated in the high desert, approximately two thousand five hundred to three thousand feet above sea level. The city is isolated from the population centers of the Los Angeles basin by the San Gabriel and San Bernardino Mountains. The only access to timely mutual aid response is through the Cajon Pass. In the event of a major earthquake in the pass, there will be no way for assistance to reach the city from the south and west. In addition, the city covers an area of seventy square miles, which in many cases results in extended response times. Built-in fire protection systems will assist in extinguishing or controlling incipient fires, which would otherwise grow beyond the capabilities of local fire resources.

ORDINANCE NO. 2266

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE APPROVING AMENDMENT DEV10-00009, A MUNICIPAL CODE AMENDMENT TO ADOPT A DEVELOPMENT CODE (TITLE 16, WHICH INCORPORATES ALL ASPECTS OF THE DEVELOPMENT DEPARTMENT INTO ONE TITLE), INTRODUCING AND UPDATING REGULATIONS; REPEALING TITLE 8: FIRE CODE, TITLE 15: BUILDING AND SAFETY CODE AND TITLE 18: ZONING CODE; AND UPDATING VARIOUS RELATED SECTIONS OF THE MUNICIPAL CODE – CITY OF VICTORVILLE

Pursuant to Title 7, Chapter 4, article 2 of the Government Code of the State of California, the Victorville Planning Commission held a public hearing on the 13th of October 2010, to hear arguments for and against the issue and, after hearing all testimony offered, they adopted Resolution No. P-10-040, which recommended to the City Council the adoption of Amendment DEV10-00009, and

This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) based upon CEQA Guidelines Section 15061(b) (3).

The City Council finds the following amendments appropriate:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY ORDAIN AS FOLLOWS:

See Attachment A

ORDINANCE NO. 2266

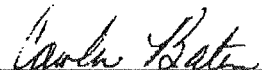
THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON FEBRUARY 17, 2011.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF JANUARY 2011



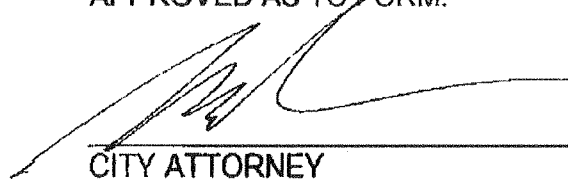
MAYOR OF THE CITY OF VICTORVILLE
(Pro Tem)

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

I, CAROLEE BATES, City Clerk of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2266 which was introduced at a meeting held on November 16, 2010 and duly adopted at a meeting held on the 18th day of January 2011 by the following roll call vote, to wit:

AYES: Councilmembers Cabriaes, Kennedy, McEachron, Rothschild and Valles

NOES: None

ABSENT: None

ABSTAIN: None



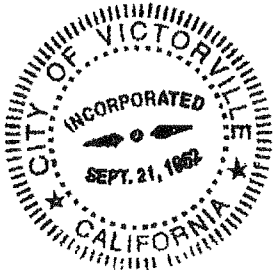
CITY CLERK OF THE CITY OF VICTORVILLE

CERTIFICATION OF ORDINANCE

The following is a true and correct copy of City of Victorville Ordinance No. 2266 which was duly adopted at a meeting of the City Council of the City of Victorville held January 18, 2011 and published pursuant to California Government Code Section 36933(c)(1)



Carolee Bates, City Clerk
City of Victorville



Victorville Development Code Title 16

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Sec. 16-5.01.010:

Title

This article shall be known as the administrative building code of the city.

Sec. 16-5.01.020:

Code adoption

One copy of the 2010 Edition of the California Building Standards Administrative Code known as the California Code of Regulations, Title 24, Part 1, and Division 2 of both the 2010 California Building Code, Title 24, Part 2, and the 2010 California Residential Code, Title 24, Part 2.5, having been filed in the office of the city clerk, said code hereinafter modified, is designated and adopted by reference as the administrative code of the city.

Sec. 16-5.01.030:

Scope

Section 101.2 of the California Building Code is amended as follows:

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the California Residential Code.

Sec. 16-5.01.040:

Referenced codes

Section 101.4 of the California Building Code is excluded from this adoption.

Sec. 16-5.01.050:

Creation of enforcement agency

Sections 103.1 of the California Building Code and Section R103.1 of the California Residential Code are amended as follows:

The Building Division of the Development Department is hereby created and the official in charge thereof shall be known as the Building Official.

Sec. 16-5.01.060:

Annual permits

Sections 105.1.1 and 105.1.2 of the California Building Code are excluded from this adoption.

Sec. 16-5.01.070:

Exempt work

Sections 105.2 of the California Building Code and R105.2 of the California Residential Code are amended as follows:

- (a) 105.2 (CBC) and R105.2, subsection 2, (CRC); Fences and walls not over three feet in height.
- (b) 105.2, subsection 4 (CBC), R105.2 subsection 3 (CRC); Retaining walls which are not over 30 inches in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIA liquids.
- (c) 105.2, subsection 9 (CBC), R105.2 subsection 7 (CRC); Swimming pools and other water features less than eighteen inches in depth.

Sec. 16-5.01.080:

Development impact fee

- (a) Purpose. In order to implement the goals and objectives of the city general plan (i.e., circulation, safety, parks and recreation elements) and to mitigate the overburdening of existing capital facilities such as the city's roadway, park and fire systems of facilities which are caused by new development in the city, certain public roads, parks and fire stations must be constructed. The City Council has determined, on the basis of the city general plan and a report entitled "Fiscal Impacts of Development" dated November, 1988, and subsequent addenda dated May 1, 19 and 20, 1989, that a development impact fee is needed to supplement an existing capital facilities fee in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in this section, the City Council has found the fee to be consistent with the city's general plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.
- (b) Establishment of Development Impact Fee. A development impact fee is established and charged upon the issuance of all building permits for development in the city to pay for roadways, parks, fire and public safety facilities. The City Council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development impact fee is imposed, refer to specific public improvements to be financed, the estimated cost of these facilities, and the reasonable relationship between this fee and the various types of new developments and set forth the time for payment. As described in the fee resolution, this development fee shall be paid by each developer either prior to issuance of the building permit or prior to issuance of a certificate of occupancy for the commercial or industrial project or the respective dwelling units in a residential project, depending on the applicability of Government Code Section 66007. On a biennial basis, the City Council shall review this fee to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public facilities are still needed.
- (c) Limited Use of Fees. The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:
 - (1) Pay for the city's future construction of facilities described in the resolution enacted pursuant to subsection (b) of this section, or to reimburse the city for those described or

- listed facilities constructed by the city with funds advanced by the city from other sources; or
- (2) Reimburse developers who have been required or permitted by subsection (d) of this section, to install such listed facilities which are oversized with supplemental size, length or capacity.
- (d) **Developer Construction of Facilities.** Whenever a developer is required as a condition of approval of a development permit to construct a public facility described in the resolution adopted pursuant to subsection (b) of this section which facility is determined by the City to have supplemental size, length of capacity over that needed for the impacts of that development, and construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this section on the development project, shall be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development.
- (e) **Fee Adjustments.** A developer of any project subject to the fee described in subsection (b) of this section may apply to the City Council for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the development and the impacts mitigated by the construction of the public improvements financed by this fee. The application shall be made in writing and filed with the city clerk not later than ten days prior to the public hearing on the development permit for the project, or (2) if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The City Council shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty days after the filing of the fee adjustment application, whichever is later. The decision of the City Council shall be final. If a reduction, adjustment or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee.

Sec. 16-5.01.090:

Street lighting and fire hydrants

In order to provide adequate lighting and water flow in all subdivisions and along streets in residential, commercial and industrial areas where these services are not otherwise provided, a fee shall be charged on all new building permits in the area where the services are not provided.

- (a) The following fee for street light installation which has been determined by the average current cost of street light installation at the recommended spacing shall be charged. The fee shall be reviewed from time to time for consistency with the current costs: three dollars and ten cents per lineal foot of frontage, not to exceed three hundred ten dollars per lot or parcel.
- (b) The following fee for fire hydrants which has been determined by the average current cost of installation at the recommended spacing shall be charged. The fee shall be reviewed from time to time for consistency with current costs: five dollars per lineal foot of frontage, not to exceed five hundred dollars per lot or parcel.
- (c) Such fees shall be deposited in a revolving fund and street lights and fire hydrants installed according to a plan established by the city for that area. Street light spacing shall be determined according to Section 16-4.08.030 of the municipal code. Fire hydrant spacing shall be determined by the fire code official.
- (d) No street lighting or fire hydrant requirement shall be imposed upon any frontage where the owner or previous owner has borne the cost of city-owned street lighting or fire hydrants, nor shall a fee be charged where the improvements have already been made by some other means.

Sec. 16-5.01.100:

Time limitation of application

Sections 105.3.2 of the California Building Code and R105.3.2 of the California Residential Code are amended as follows:

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Sec. 16-5.01.110:

Permit expiration

Sections 105.5 of the California Building Code and R105.5 of the California Residential Code are amended as follows:

Every permit issued by the building official shall expire and become void if either of the following occurs:

- (a) No new work is completed within any 180 day period.
- (b) No inspections are requested for completed work within any 180 day period.

Before work can be resumed, a new permit shall be obtained, and the fees for that permit shall be one half the amount required for a new permit for the same work, provided no changes are required to be made or will be made in the original plans and specifications; and provided further that such suspension or abandonment of work or inspections has not exceeded one year. In order to resume work on a permit after a period of time in excess of one year, the permittee shall be subject to a new permitting process and is required to pay full permit fees.

A permittee holding an unexpired permit may apply for an extension under that permit for good and satisfactory reasons. The building official may extend the time allowed for work to resume for a period not exceeding 180 days upon written request by the permittee. This request shall demonstrate that circumstances beyond the control of the permittee have halted work on the site. Permits shall not be extended more than once.

Sec. 16-5.01.120:

Certificate of occupancy

The following is added to section 111 of the California Building Code:

A certificate of occupancy application shall be issued for each use of all structures and a processing fee shall be paid, in accordance with the adopted fee schedule, at time of application.

Sec. 16-5.01.130:

Board of appeals

Section 113 of the California Building Code and Section R112 of the California Residential Code are excluded from this adoption.

Article 2: Grading Regulations

Sec. 16-5.02.010 Purpose

Sec. 16-5.02.020 Scope

Sec. 16-5.02.030 Permissive provisions

Sec. 16-5.02.040 California environmental quality act

Sec. 16-5.02.050 Permits required - exceptions

Sec. 16-5.02.060 Permit applications and fees

Sec. 16-5.02.070 Permit limitations and conditions

Sec. 16-5.02.080 Conditional approval

Sec. 16-5.02.090 Denial of permits

Sec. 16-5.02.100 Bonds

Sec. 16-5.02.110 Inspections

Sec. 16-5.02.120 Supervision and safety

Sec. 16-5.02.130 Archaeological, paleontological, and historical sites

Sec. 16-5.02.140 Fills

Sec. 16-5.02.150 Rules and regulations

Sec. 16-5.02.160 Violations

Sec. 16-5.02.010:

Purpose

The purpose of this article is to safeguard life, limb, health, property and the public welfare by establishing minimum requirements for regulating grading and procedures by which such requirements may be enforced.

Sec. 16-5.02.020:

Scope

No person may make, alter, grade or maintain an excavation or fill except as provided by this article. This article does not apply to work accomplished under the auspices of, or on land owned or controlled by, the United States of America or the state of California.

Sec. 16-5.02.030:

Permissive provisions

The permissive provisions of this article do not waive the provisions of other laws.

Sec. 16-5.02.040:

California environmental quality act

The provisions of this article require compliance with the California Environmental Quality Act of 1970 (Public Resources Code Section 21050 et seq.).

Sec. 16-5.02.050:

Permits required - exceptions

- (a) Required When. No person shall begin or perform any grading or relocation of earth, and no person shall import or export any earth materials to or from any grading site without first obtaining the appropriate development approval and a grading permit. A separate grading permit is required for each site, but the site designated may be the entire development.
- (b) Exceptions. A permit is not required for:
 - (1) Excavations below the finished grade for basements and footings of buildings, retaining walls, swimming pools or other structures authorized by a valid building permit if the unsupported height is less than five feet after the structure is completed;

- (2) Mining, quarrying, excavating, processing, and stockpiling rock, sand, gravel aggregate or clay stockpiling operations conducted under a valid special use permit;
- (3) Environmental excavations which are subject to federal, state or county review and permits;
- (4) Depositing rubbish or other material at a sanitary landfill approved by and operating pursuant to the requirements, rules, applicable zoning regulations and other laws adopted by the City Council. Permanent features of the site such as berms, access roads, building sites and protective drainage works require permits;
- (5) Construction of dams or reservoirs regulated or owned by the state or federal government;
- (6) Temporary stockpiling of quarried or mined products or earth for future processing, disposal or sale, if the stockpiling operations are conducted at least one hundred feet inside the property line of a parcel of land held by a single owner and the stockpiling is approved by the Planning Commission. Slopes in conjunction with stockpiles shall not exceed three to one;
- (7) Farming and agricultural grading operations on parcels at least ten acres in size which are zoned and used for farming or soil and water conservation work under the direct control of the United States Department of Agriculture Soil Conservation Service. Farming and agricultural grading operations do not include:
 - (i) Construction of earthenwork dams which are not under the direct control of the United States Department of Agriculture Soil Conservation Service if the maximum depth to which water is or may be impounded is five feet or more,
 - (ii) Excavation or earthfill intended to support a structure requiring a building permit;
 - (H) Grading operation conducted by the city for capital improvement projects approved by the City Council;
- (8) Exploratory borings and trenches made as part of an application for a permit.
- (c) Emergencies. This article does not apply to any grading operation which is conducted during a period of emergency or disaster and which is directly connected with or related to relief conditions caused by the emergency or disaster.

Sec. 16-5.02.060:

Permit applications and fees

- (a) Application for a grading permit is made with the building official and shall be feed for inspection and plan review in the amount prescribed in Table 3H of the Uniform Administrative Code, 1991 Edition, as published.
- (b) Contents. The application shall include:
 - (1) Plans and Specifications. Three sets of plans signed by a civil engineer, a soils engineer and an engineering geologist shall be submitted. The building official may waive the signature requirements for minor grading projects of less than five thousand cubic yards and modify them as appropriate. Plans shall show:
 - (i) A vicinity sketch or other data adequately locating the site;
 - (ii) Property lines, dimensions and bearings of the property on which the work is to be performed;
 - (iii) Existing buildings or structures on the property where the work is to be performed and other buildings or structures within fifty feet of the property line;
 - (iv) All Joshua trees, as per Chapter 13.33 of the Victorville Municipal Code, shall be indicated by showing the exact center of its trunk as established by a licensed surveyor. Its tag number, trunk diameter and height must be indicated. The health and proposed disposition of the tree must be indicated. The application shall include a detailed plan for protecting, preserving, relocating the tree, which may be affected

- by the proposed grading. The details of which shall conform to Chapter 13.33 of the Victorville Municipal Code as amended;
- (v) An accurate topographical map showing contours of the existing ground. Contours must be extended past the boundary lines of the project for at least one hundred feet. The building official may require the contours to be extended to include the watershed area and all other areas influencing the proposed development;
 - (vi) The elevation, dimensions, locations, extent, and slopes of all proposed grading shown by contours or other means;
 - (vii) Certification of the quantity and type of material involved to be used for fill and/or the location to which excavated materials will be removed;
 - (viii) Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff of the area served by the drains. All hydrologic and hydraulic calculations shall be signed by a civil engineer;
 - (ix) Additional plans, drawings or calculations required by the building official;
 - (x) The estimated starting and completion dates;
 - (xi) The proposed use of the site including the kind of structure to be built; and
 - (xii) Providing an approved project for development.
- (2) Soils Engineering Report. The building official shall require a soils engineering investigation, based upon the most recent grading plan. The report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures and other data required by the building official. Soils investigation shall be prepared and signed by a registered soils engineer and approved by the building official.
 - (3) Geological Engineering Report. The building official shall require an engineering geological investigation for a hillside development and may require one for other grading work. The geological engineering report, prepared and signed by an engineering geologist, shall include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geological conditions on the proposed development. This report must be approved by the building official who may require supplemental geological reports and data. Recommendations included in the report and approved by the building official shall be incorporated into the grading plan.
 - (4) Wind Generated Soil Erosion. The building official shall require the owner/contractor to provide a proposal for sufficient control of wind-born soil and dust during and after all grading operations.
- (c) Development Permit and Tract Map Requirements. No authorization shall be granted for the import and export of earth materials to or from a site nor shall any grading be conducted on a site unless a grading permit has been issued. As a condition for development, the Planning Commission may limit the height, angle and design of any cut or fill slope and may impose standards such as contour grading and additional landscaping to mitigate the adverse environmental impact created by a development project.
 - (d) Modifications of Approved Plans. Modifications of approved grading plans shall be approved in writing by the building official. Required soils and geological reports shall be submitted with the modified plans. No grading work in connection with the proposed modifications shall be permitted without the prior written approval of the soils engineer.
 - (e) Waivers. The building official may waive the requirement for a contour map or subsurface exploration if it is determined to be unnecessary, but the work must conform to the provisions of this article and other relevant laws.

Sec. 16-5.02.070:

Permit limitations and conditions

- (a) General. A grading permit authorizes only the work which is described in the application for the permit.
- (b) Responsibility of the Permittee. The permittee and his agents shall carry out the proposed grading in accordance with the approved plans and specifications, the conditions of the permit, the requirements of this article and all other applicable laws. The permittee and his agents shall maintain required protective devices and temporary drainage and shall observe the site access rules, hours of work, dust controls and haul routes prescribed by subsections (5) and (6). The permittee and his agents shall be responsible for maintaining the site and removing debris. The permittee and his agents and each or all of them are subject to the penalties for violation set forth in this article. Permit approval does not relieve the permittee or his agents from complying with the provisions and intent of this article.
- (c) Liability.
 - (1) The issuance of a permit does not impose liability for damages on the city.
 - (2) Compliance with the terms and conditions of a permit and with the provisions of this article do not relieve the permittee and his agents from responsibility for damages.
- (d) Jurisdiction of Other Agencies. A permit issued under this article does not relieve the owner of responsibility for securing permits required by any other law, department or division of the city, county or state.
- (e) Regulation of Work. The building official may impose conditions on the permit with respect to access to the grading site, hours of work, methods of controlling dust and safety precautions for pedestrians or vehicles.
- (f) Haul Routes. A permit issued for the export or import of earth materials to or from a grading site shall require that:
 - (1) The size or type of hauling equipment be limited in accordance with the width and strength of the street;
 - (2) Traffic control devices be used at appropriate places along the designated access route;
 - (3) Temporary parking restrictions be imposed along access routes by the director of public works when necessary;
 - (4) Equipment used to haul earth to or from a grading site comply with the California Vehicle Code;
 - (5) All loads be properly trimmed and watered, covered or otherwise secured;
 - (6) The haul route take into consideration the most practical means of transporting the earth materials to or from the grading site consistent with the safety and welfare of residents along the route; and
 - (7) Other conditions necessary for public health, safety and welfare be imposed.
- (g) Time Limit.
 - (1) The permittee shall fully perform and complete all of the work contemplated within the time specified in the permit. Slopes must be fully stabilized.
 - (2) Once grading has commenced, it must be pursued with diligence and completed within the time specified. If grading activity ceases for ninety days the applicant shall notify the building official in writing explaining the reason for the delay. Should the project be discontinued or abandoned in excess of one hundred eighty days, the city may use the performance bonds to take necessary precautions to ensure the health and safety of the public. Cessation of grading activity during rain, snow or other inclement conditions, is not failure of performance.
 - (3) If the permittee is unable to complete the work within the specified time, he may submit a written request for an extension of time before the permit expires. If sufficient justification is shown, the time specified on the permit may be extended for a period of one hundred

eighty days or as approved by the building official. This extension does not release the surety upon the bond.

(h) Entry Upon Grading Site.

- (1) The building official, city manager, city engineer, the surety company or their representatives shall have access to the premises described in the permit for the purposes of inspecting the progress of the work.
- (2) In the event of default in the performance of any term or condition of the permit, the surety, or any person employed or engaged in his behalf, has the right to go upon the premises and complete the required work, including the installation of temporary erosion control devices and landscaping.
- (3) It is unlawful for anyone to interfere with an authorized representative of the city or the surety company.
 - (i) Consent of Adjacent Property Owners. If a grading operation requires entry onto adjacent property, the permit applicant must obtain the written consent of the adjacent property owner and file a copy of the consent with the building official before a grading permit will be issued.

Sec. 16-5.02.080:

Conditional approval

The building official may condition the approval of a grading permit on:

- (a) Bringing existing grading up to the standards of this chapter;
- (b) Fencing hazardous excavations or fills;
- (c) Recording a statement which describes the project site and the depth and location of the fill; and;
- (d) Fulfilling other requirements reasonably necessary to prevent the creation of a nuisance or hazard.

Sec. 16-5.02.090:

Denial of permits

A grading permit will not be issued if:

- (a) The building official determines that the work proposed by the applicant is hazardous and will likely endanger private property, cause the deposit of debris on a public way or interfere with an existing drainage course;
- (b) The land to be graded is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property;
- (c) The proposed grading would not comply with the requirements of an applicable development permit or tentative tract map, or with any provisions of law, including the provisions of this article.

Sec. 16-5.02.100:

Bonds

- (a) Required. A permit for a grading project which will move more than fifty cubic yards of earth may be subject to the posting of securities with the city in accordance with Government Code Section 66499, et seq. The surety shall also be satisfactory to the city.
- (b) Application of Bonds to Adjacent Property. If it is necessary to perform off-site grading in order to complete a project satisfactorily, the grading bond shall cover the off-site work.
- (c) Work Under the Bond. If permittee fails to complete the work or to comply with the conditions and terms of the permit, the building official may have the work done as required by the permit. The surety or cash holder shall continue to be bound to pay all costs which

may be incurred by the city while completing the work and shall assent to an extension of completion time.

- (d) Amount of Bond. The amount of the security is one hundred percent of the estimated cost of the work for performance, and one hundred percent of the estimated cost of the work for payment to laborers and material-men.
- (e) Cash Bond or Instrument of Credit. In lieu of a surety bond the applicant may deposit cash or file an instrument of credit as approved by the finance director in an amount equal to that which would be required in the surety bond.

Sec. 16-5.02.110:

Inspections

- (a) Requirements. All construction or work for which a permit is required shall be subject to inspections by authorized employees of the city. The building official may require continuous inspection and supervision by a registered civil engineer and other appropriate consultants as a condition for issuing the grading permit. A final inspection shall be made before issuing a grading completion certificate.
- (b) Exposure of Work. When work which must be inspected is covered without having first been inspected, the building official shall require the work to be exposed for examination. The permittee shall bear the cost of exposing and recovering the work.
- (c) Notices. The permittee shall notify the building official twenty-four hours in advance of the following inspections:
 - (1) Initial Inspections. The permittee is ready to begin work but has not done any brushing or grading.
 - (2) Toe Inspections. The base ground is exposed and prepared to receive fill but no fill has been placed. Fill shall not be placed until all debris and unsuitable material have been removed from the site to an approved location.
 - (3) Sub-drain Inspections. Sub-drains are installed but no fill has been placed.
 - (4) Excavation Inspections. The excavation has started but the vertical depth of the excavation is less than ten feet.
 - (5) Fill Inspections. Fill placement has started but the combined vertical height of the fill is less than ten feet.
 - (6) Drainage Device Inspections. The forms, steel reinforcement and pipe are in place but no concrete is placed.
 - (7) Rough Grading. The rough grading has been completed. This inspection may be made even though the building official has not reviewed earlier inspection reports.
 - (8) Rough Grading Certification. The department of building and safety may issue an interim certificate to allow the issuance of building permits. This certificate does not exonerate the applicant from completing the grading.
 - (9) Final Certification. All work including the installation of drainage structures and other protective devices, the compaction of trench backfill, the planting and slope stabilization have been completed and the "as built" plan and required reports have been submitted.
 - (10) Other Inspections. In addition, the building official may make other inspections to ascertain compliance with the provisions of this chapter and other laws.
 - (11) Interrupted Grading. The permittee shall notify the building official twenty-four hours before he is ready to resume grading and before any grading or brushing is started.
- (d) Certification. When the work is completed, the building official shall approve that all grading work has been done in compliance with approved reports and grading plans and that he shall thereafter administer applicable building code regulations.
- (e) Final Reports. When the work is completed, but before issuing a final certificate, the building official may require the following reports and information:

- (1) A report from a registered civil engineer certifying that all grading, lot drainage and drainage facilities have been completed in accordance with the approved plans and the provisions of this chapter, and that the graded site will support the contemplated structures;
- (2) A report from a soils engineer including certification of the soil bearing capacity, summaries of field and laboratory tests, lot-by-lot soil expansion rate, location on an "as built" grading plan of each slope test taken in the fill showing the limits of compacted fill and other pertinent information;
- (3) A report from an engineering geologist based on the final contour map, including specific approval of the grading as affected by geological factors. When necessary, a revised geological map, cross sections and recommendations shall be included; and
- (4) A "record" grading plan signed by the supervising civil engineer, the soils engineer and the engineering geologist for their portions of the work.

Sec. 16-5.02.120:

Supervision and safety

- (a) Supervision. The work shall be done under the general supervision of a licensed civil engineer. An engineering geologist or soils engineer shall be used as needed. An engineering geologist shall be registered by the state. A soils engineer shall be a licensed civil engineer experienced in soil mechanics and slope stability analysis. The soils engineer or engineering geologist must submit the reports requested by the building official.
- (b) Safety Precautions During Grading. If an inspection by the building official indicates that further work authorized by an existing permit is likely to endanger property or a public way, the building official may stop the work on the affected area and may require that plans be amended to include adequate safety precautions before work continues.
- (c) Duty to Report. If a registered civil engineer, soils engineer or engineering geologist finds that work is not being done in conformance with the provisions of this chapter or the plans and specifications approved by the building official, he must immediately notify the person in charge of the grading work. If the violation is not corrected, the building official must be notified in writing within twenty-four hours. If the job moves more than ten thousand cubic yards of earth per day, the time limit to notify the building official is eight hours.
- (d) Change of Professional People.
 - (1) If the services of the civil engineer, soils engineer or engineering geologist is terminated during the progress of the grading work, the professional person and the permittee shall immediately notify the building official in writing. The building official may stop the grading work until competent professional supervision is provided.
 - (2) The departing civil engineer, soils engineer or engineering geologist shall submit to the building official a certificate of work performed under his supervision including deficiencies to be corrected. His replacement shall submit to the building official a letter certifying that he has reviewed his predecessor's design, reports and recommendations, that all provisions of the grading permit will be complied with during the course of the work, and that he has reviewed the detailed grading plans and is assuming responsibility for all future grading plans.
- (e) Final Certificate. When the job is completed, the civil engineer, soils engineer and engineering geologist shall certify in writing that the job was constructed as indicated by the "as built" plan, that the soils engineer and engineering geologist's reports and certifications have been submitted, that they have worked in accordance with good engineering practices, and that all required drainage and safety features have been incorporated in the grading work.

Sec. 16-5.02.130:

Archaeological, paleontological and historical sites

- (a) Known Sites. Permits to grade at or near known archaeological, paleontological or similar sites of historical significance may be conditioned so as to:
- (1) Ensure preservation of the site.
 - (2) Minimize adverse impacts on the site;
 - (3) Allow reasonable time for qualified professionals to perform archaeological investigations at the site; or
 - (4) Preserve for posterity, in such other manner as may be necessary or appropriate, the positive aspects of the cultural historical site involved.
- (b) Unknown Sites.
- (1) When it is learned after a grading permit has been issued that significant archaeological, paleontological or historical site may be encompassed within the area being graded, grading shall cease and the grading permit shall be suspended.
 - (2) The discovery of a significant archaeological, paleontological or historical site shall be reported to the planning director within seventy-two hours from the time the site is found. The planning director, within five working days after receiving a discovery report, shall cause qualified professionals to conduct a preliminary investigation of the site. If the preliminary investigation confirms that the site is or may be a significant archaeological, paleontological or historical site, the grading permit shall remain suspended for a period not to exceed forty-five days from the date the discovery was reported. The suspension may exceed forty-five days under extraordinary circumstances if, upon application of the planning director to the City Council, the City Council concurs.
 - (3) During the period of suspension, the planning shall develop conditions to be attached to the grading permit pursuant to subsection (A) above. When conditions are developed and attached to the permit, the permit shall be reissued subject to the conditions, and the suspension shall be terminated.
 - (4) A condition imposed pursuant to subsection (A) or (B) of this section may be appealed to the City Council in the manner prescribed in this chapter and the determination of the council shall be final.

Sec. 16-5.02.140:

Fills

- (a) Height. A finished fill slope greater than fifteen feet high must be approved by the Planning Commission. Higher fill slopes shall have a horizontal bench at least twenty-five feet wide for each fifty feet of height, and intervening terraces may be required as set forth in Subsection (7) of this section.
- (b) Slope. No fill shall be made which creates an exposed surface steeper in slope than two horizontal to one vertical.
- (c) Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than five to one and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five to one shall be at least ten feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe shall be at least ten feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

- (d) **Fill Material.** Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fills.
EXCEPTION: The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects the placement and approves the fill stability. The following conditions shall also apply:
 - (1) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;
 - (2) Rock sizes greater than twelve inches in maximum dimension shall be ten feet or more below grade, measured vertically;
 - (3) Rocks shall be placed so as to assure filling of all voids with fines.
- (e) **Unstable Material.** The building official may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical if a flatter surface is necessary for stability or safety.
- (f) **Fill Slope Limits.** Toes of fill slopes shall not be nearer to a project boundary than one-half the height of the fill but need not exceed a horizontal distance of twenty feet. Fill slopes shall not be divided horizontally by property lines. Fill slopes occurring on a side or rear lot line shall be made a part of the downhill lot.
- (g) **Intervening Terraces.** Terraces shall be paved, shall be extensively landscaped and shall be spaced at vertical intervals of thirty feet. For slopes less than forty feet high, the terrace shall be at mid- height. Additional terraces may be required on slopes flatter than two horizontal to one vertical and where soil conditions warrant them.
- (h) **Compaction.**
 - (1) All fills shall be placed, compacted, inspected and tested in accordance with this subsection.
 - (2) The building official may waive strict enforcement of the provisions of this subsection if they are unnecessary because of the proposed or probable use of the land. The requirements of this subsection shall not be waived if structures are to be supported by the fill, if the fill is being placed on a hillside or if these requirements are necessary as a safety measure.
 - (3) The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, top soil and porous compressible soil. If the natural slope is five horizontal to one vertical or steeper, and the height of the fill is twenty feet or more, benching to sound bedrock or other competent material is required. Fill slopes which toe on natural slopes shall be provided with adequate drainage.
 - (4) No deleterious material shall be permitted in fills.
 - (i) Except as otherwise permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fills.
 - (ii) Upon a recommendation made by a soils engineer and approved by the building official before the grading of a project, rock with dimensions from eight inches to thirty-six inches may be placed in compacted fill, but oversized rocks shall not be in the upper ten feet of compacted fill or nearer than twenty feet to the outer surface of any fill slope. Oversize rock shall be shown on "as built" plans and shall be certified to be compacted by the soils engineer.
 - (5) The fill shall be spread in a series of layers no more than eight inches thick. Each layer shall be compacted by an approved method.
 - (6) The moisture content of the fill material shall be controlled at the time of spreading and compacting to obtain the required relative compaction and to avoid excessive pore pressure as the fill increases.

- (7) Fill shall be compacted to at least ninety percent of the maximum density as determined by A.S.T.M. D1557-66T, Method A or C, modified to three layers. If the required degree of relative compaction cannot be attained on sloped surfaces, the slope shall be cut back until the compacted inner core is exposed.
- (8) A field density test shall be taken for each eighteen inches of fill, measured vertically from the lowest point of the fill, or for each one thousand cubic yards of fill. In subdivisions, at least one field density test shall be taken on each lot which receives fill.
- (9) The field density shall be measured in accordance with the procedure specified in A.S.T.M. D1556-58T, or a later revision, using the optional base plate and making a suitable adjustment for volumes of rocks in the test hole or by using other approved testing methods giving equivalent test results.
- (10) A fill subject to this chapter shall be tested for relative compaction by a soils engineer. A certificate of compliance with the terms of this section and the grading permit which sets forth densities, relative compaction, the soil expansion rate, allowable bearing value and other soil characteristics shall be prepared and signed by the soils engineer. This report shall be submitted to and approved by the building official before a fill is finally approved and foundation construction begins.
- (11) If building is not started within one year from the final certification and approval by the building official, the site must be re-evaluated and a report filed with the building official for approval. This report shall contain data on compaction, stabilization and soil expansion.
 - (i) Fills Toeing Out on Steep Slopes. No fill shall toe out on a natural slope which is steeper than two horizontal to one vertical.
 - (j) Combined Cut and Fill Slopes.
- (1) Combined cut and fill slopes shall meet the requirements of subsections (1) through (4) of this section with respect to steepness, height and benching. A slope which exceeds twenty-five feet in height must have the required drainage bench at the top.
- (2) Fill placed on or above the top of an existing or proposed cut or natural slope steeper than three horizontal to one vertical shall be set back from the top of the slope at least six feet.
- (3) The top of cut slopes shall be made not nearer to a site boundary line than one-fifth of the vertical height of cut with a minimum of two feet and a maximum of ten feet. The setback may need to be increased for any required interceptor drains.
- (4) The toe of fill slope shall be made not nearer to the site boundary line than one-half the height of the slope with a minimum of two feet and a maximum of twenty feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:
 - (i) Additional setbacks;
 - (ii) Provision for retaining or slough walls;
 - (iii) Mechanical or chemical treatment of the fill slope surface to minimize erosion.

EXCEPTION: When slopes are not in excess of eighteen inches, the building official may waive the slope setback requirements.
 - (iv) Provisions for the control of surface waters.
- (5) The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

Sec. 16-5.02.150:

Rules and regulations

- (a) The building official may adopt rules and regulations not in conflict with this chapter to accomplish the purpose and intent of this chapter.
- (b) No portion of any driveway will have a grade in excess of twelve percent as measured from the right-of-way.

Sec. 16-5.02.160:

Violations

- (a) Defined. No person shall fail, refuse or neglect to comply with this chapter and the following provisions:
 - (1) An order issued by the building official under this chapter;
 - (2) A condition imposed on a grading permit under this chapter;
 - (3) A rule or regulation of the office of the building official with respect to grading which was in effect at the time the grading permit was issued.
- (b) Misdemeanor. A person who violates a provision of this chapter is guilty of a misdemeanor. Each day, or portion thereof, during which a violation of this chapter is committed, continued or permitted is a separate offense. Upon conviction of an offense, a person shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both.
- (c) Letters of Noncompliance. Whenever construction or work is being done contrary to this chapter or other law, the building official may issue a letter of noncompliance. The letter of noncompliance shall be issued to the developer, the civil engineer and the contractor. If the noncompliance is not remedied, a stop work order shall be issued. If the work on which the noncompliance has occurred is corrected, a letter shall be issued stating that the noncompliance has been rectified. This letter shall be distributed to the developer, the civil engineer and the contractor. The issuance of a letter of noncompliance is not a prerequisite for the issuance of a stop work order by the building official or his authorized representative.
- (d) Stop Work Orders. When construction or work is being done contrary to the provisions of this chapter or any other law, or when public or private property is endangered, the building official or his designated representative may issue a written notice to the responsible party to stop work on that part of the job which is in violation and which causes the danger. No work shall be done on that part of the job until the violation has been rectified and approval obtained from the building official or until special precautions to eliminate the hazards have been approved by the building official.

Article 3: Building Code

- Sec. 16-5.03.010 Title**
- Sec. 16-5.03.020 Code adoption**
- Sec. 16-5.03.030 Appendix adoption**
- Sec. 16-5.03.040 Building and miscellaneous permit fees**
- Sec. 16-5.03.050 Refund policy**
- Sec. 16-5.03.060 Addition and amendment to chapter 15**
- Sec. 16-5.03.070 Addition and amendment to section 903 - automatic sprinkler system**
- Sec. 16-5.03.080 Addition to section 306 - notice of change of Special Inspector**
- Sec. 16-5.03.090 Amendment to section 1104-structural provisions**
- Sec. 16-5.03.100 Designation of building numbers**
- Sec. 16-5.03.110 Building moving permit required**

16-5.03.010:

Title

This chapter shall be known as the building code of the city.

16-5.03.020:

Code adoption

One copy of the 2010 Edition of the California Building Code known as the California Code of Regulations, Title 24, Part 2, incorporating by reference, the 2009 Edition of the International Building Code, published by the International Code Council with the California amendments, having been filed in the office of the city clerk, such code hereinafter modified, is designated and adopted by reference as the building code of the city.

16-5.03.030:

Appendix adoption

Chapters G and I of the appendix of the California Building Code are part of this code and are incorporated in this chapter by reference.

Sec. 16-5.03.040:

Building and miscellaneous permit fees

Pursuant to sections 109.2 of the California Building Code and R108.2 of the California Residential Code, the following is the adopted fee schedule:

- (a) Plan review and building permit fees for every new construction, addition or tenant improvement permit shall be paid to the development department as set forth in the Uniform Administrative Code, 1991 Edition, as published by the International Conference of Building Officials.
- (b) The building valuation data as set forth in the latest edition of the Building Safety Journal published by the International Code Council shall be used to determine building permit fees for new construction, additions and tenant improvements.
- (c) Plan review and building permit fees for all project types not mentioned in subsection (a) shall be adopted by City Council resolution and administratively adjusted, as necessary, to reflect annual cost fluctuation. The adjustment shall occur in accordance with changes to employee salaries, using the cost of living index as a guide and the fee study recommendation as a baseline.

- (d) A fee shall be paid for the duplication and maintenance of approved plans on microfilm or other type of photographic media. Such fee shall be determined per the most current rates as set forth by the development department but shall not exceed actual costs.
- (e) Exception: Plan review fees for repeat single family residential structures that are identical to structures that have been previously reviewed shall only be assessed thirty percent of the established plan review fee for a single, non-repeat structure of the same type.

Sec. 16-5.03.050:

Refund policy

Pursuant to sections 109.6 (CBC) and R108.5 (CRC), the following is the adopted policy for refunding of paid permit fees:

The building official may authorize refunding of permit fees paid pursuant to this code which were erroneously paid or collected. The refund shall not exceed 80 percent of the amount paid when no work has been done under a permit issued in accordance with this code. Plan review fees may only be refunded when the request for a refund is submitted to the building official before review time has been expended. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Sec. 16-5.03.060:

Addition and amendment to chapter 15

The following shall be added to the California Building Code, Chapter 15, Sections 1507.8 and 1507.9

- (a) Wood shakes and shingles, treated or untreated are excluded from this usage.
- (b) Reroofing or repairs of wood shakes or shingles shall be of Class C fire retardant materials and shall be limited to no more than forty percent (40%) of the roof area within any 12 month period.

Sec. 16-5.03.070:

Addition and amendment to section 903 - automatic sprinkler system

- (a) An automatic fire extinguishing system shall be installed in any newly constructed buildings, based on occupancy, as required by the San Bernardino County Fire Code, or the California Building Code, whichever is more restrictive.

16-5.03.080:

Addition to section 306 - notice of change of Special Inspector

There is added to Section 1704.1 of the California Building Code the following paragraph:

The general contractor shall notify the Building Official immediately in the event that the special inspector terminates.

16-5.03.090:

Amendment to section I104 - structural provisions

Section I104 of Appendix I is amended by changing the reference to live load in Section I104.1 to read: "20" pounds per square foot.

16-5.03.100:

Designation of building numbers

- (a) Street numbers shall be designated and assigned by the building department or other agencies in cooperation with the building department as approved by the building official.

- (b) Street numbers shall be conspicuously posted on each building located in the city. If there is more than one building on a lot and only one street number is assigned, the number shall be posted on the principle building or the building nearest the street.
- (c) All street numbers posted pursuant to this regulation shall meet the following requirements:
 - (1) Numbers shall be no less than four inches in height with a corresponding width for single-family residential structures and no less than twelve inches in height with a corresponding width for all other structures;
 - (2) Numbers and background colors must be of contrasting shades and numbers shall be provided with an illuminated background on all R-3 occupancies;
 - (3) Numbers must be visible and identifiable from the street on which the building or buildings front;
 - (4) When numbers on a building would not be visible from the street due to setback (distance from street) or would otherwise be obstructed, street numbers may be posted on an independent structure such as a post, but must otherwise meet the requirements of this section. Numbers posted on mail boxes are acceptable under the provisions of this subsection;
 - (5) Where practical, address numbers should also be painted on the curb, but numbers painted on curbs are not acceptable as a substitute for the other requirements of this section.

16-5.03.110:

Building moving permit required

- (a) It is unlawful for any person, firm or corporation to move or cause to be moved for any reason any building or structure into or within the city without first having obtained a permit to do so from the superintendent of streets as provided in Chapter 9.24.
- (b) It is also required that in accordance with Section 9.24.020 a building permit be secured from the Development Department.

Article 4: Residential Code

Sec. 16-5.04.010 Title

Sec. 16-5.04.020 Code adoption

Sec. 16-5.04.030 Appendix adoption

Sec. 16-5.04.040 Establishment of climatic and geographic design criteria

Sec. 16-5.04.050 Dwelling unit fire sprinkler systems

Sec. 16-5.04.060 Freezing areas

16-5.04.010:

Title

This chapter shall be known as the residential building code of the city.

16-5.04.020:

Code adoption

One copy of the 2010 Edition of the California Residential Code known as the California Code of Regulations, Title 24, Part 2.5, incorporating by reference, the 2009 Edition of the International Residential Code, published by the International Code Council with the California amendments, having been filed in the office of the city clerk, such code hereinafter modified, is designated and adopted by reference as the building code of the city.

16-5.04.030:

Appendix adoption

Chapter H of the appendix of the California Residential Code is part of this code and is incorporated in this chapter by reference.

16-5.04.040:

Establishment of climatic and geographic design criteria

Table R301.2(1) is completed for the City of Victorville as follows:

Ground Snow Load	Wind Speed	Wind - Topographic Effects	Seismic Design Category	Damage - Weathering	Damage - Frost Line Depth
5 lbs.	85 MPH	No	D ₂	Negligible	12"

Continued:

Damage - Termite	Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
Very Heavy	32°	No	See footnote	50	62°

Footnote: The city initially entered the National Flood Insurance Program December 1, 1987 and the date of the initial Flood Insurance Study was August 5, 1977. Refer to Flood Insurance Rate Maps numbered 06071C5785H, 06071C5805H, 06071C5810H, 06071C5795H, 06071C5815H, 06071C5820H, **06071C6475H, 06071C6480H, and 06071C6485H, all current as of August 8, 2008.

16-5.04.050:

Dwelling unit fire sprinkler systems

The following is added to section R313.3:

Sprinkler systems required by this section shall be “multipurpose” type and the water supply for this system shall serve both the sprinkler system and the plumbing fixtures within the dwelling unit. The system shall also utilize a “looped” configuration to allow constant movement of water within the lines.

16-5.04.060:

Freezing areas

The following is added to section R313.3.2.3:

Anti-freeze liquids shall not be used in multipurpose residential fire sprinkler systems.

Article 5: Fire Code

Sec. 16-5.05.010 Title

Sec. 16-5.05.020 Code adoption

Sec. 16-5.05.030 Fire Code Official

Sec. 16-5.05.040 Findings

Sec. 16-5.05.050 Addition and amendment to section 903-automatic sprinkler system

Sec. 16-5.05.060 Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited

Sec. 16-5.05.070 Establishment of limits in which storage of liquefied petroleum gases is prohibited

Sec. 16-5.05.080 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited

Sec. 16-5.05.090 Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited

Sec. 16-5.05.100 Establishment of limits in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited

Sec. 16-5.05.110 Establishment of limits of districts in which the storage of hazardous materials is to be prohibited or limited

Sec. 16-5.05.120 Establishment of fire access and site design standards

Sec. 16-5.05.010:

Title

This article shall be known as the fire code of the city.

Sec. 16-5.05.020:

Code adoption

One copy of the 2010 San Bernardino County Fire Code, incorporating by reference the 2010 California Fire Code and Appendices known as the California Code of Regulations, Title 24, Part 9; and, the 2009 International Fire Code, published by the International Code Council with California amendments, having been filed in the office of the city clerk; said code and appendices are designated and adopted by reference as the fire code of the city along with those additions, amendments and deletions as set forth in this chapter.

Sec. 16-5.05.030:

Fire Code Official

The building official shall also serve as fire code official when enforcing the provisions of this title, with the exception that, the Fire Chief shall act as Fire Code Official in regards to new and modified suppression and alarm systems for multi-family, commercial and industrial development. The building official shall be qualified to enforce the Fire Code of the City by obtaining any required certification(s). The fire code official shall also appoint designees for the purpose of plan review and inspection in relation to the requirements set forth in the Fire Code. These designees shall also be properly certified to enforce the provisions of the Fire Code of the city.

Sec. 16-5.05.040:

Findings

(a) Findings. The City Council hereby finds and determines:

- (1) That the International Code Council and the California Building Standards Commission are private organizations, which have been in existence for at least three years.

- (2) That the International Fire Code and the International Fire Code Standards, adopted by said organizations, and amended from time to time, are nationally recognized compilations of proposed rules, regulations and standards of said organizations.
- (3) That said International Fire Code and International Fire Code Standards have been printed and published as a code in book form within the meaning of Section 50022.2 et seq. of the Government Code.
- (4) That certain amendments to the published code are necessary and desirable for the city, due to climatic, geological and/or topographical conditions, in order to provide sufficient and effective protection of life, health and property.
 - (i) Climatic. The city is located on the western edge of the Mojave Desert and is therefore subject to prolonged periods of high temperatures, low humidity and high winds. These conditions create an environment, which allows for easy ignition and rapid spread of unwanted fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures not provided with built-in fire protection systems and features.
 - (ii) Geological. The city is in a potentially high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will exhaust available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in larger structures, thus increasing the availability of firefighting resources after seismic activity.
 - (iii) Topographical. The city is situated in the high desert, approximately two thousand five hundred to three thousand feet above sea level. The city is isolated from the population centers of the Los Angeles basin by the San Gabriel and San Bernardino Mountains. The only access to timely mutual aid response is through the Cajon Pass. In the event of a major earthquake in the pass, there will be no way for assistance to reach the city from the south and west. In addition, the city covers an area of seventy square miles, which in many cases results in extended response times. Built-in fire protection systems will assist in extinguishing or controlling incipient fires, which would otherwise grow beyond the capabilities of local fire resources.

Sec. 16-5.05.050:

Addition and amendment to section 903 - automatic sprinkler system

There shall be added to Section 903, Chapter 9, Section 903.2:

An automatic fire extinguishing system shall be installed in any newly constructed buildings, based on occupancy, as required by the San Bernardino County Fire Code or the California Building Code, whichever is more restrictive. Regarding new and modified fire suppression and/or alarm systems, the Building Official shall have authority over one- and two-family dwellings, while the Fire Chief shall have authority new and modified suppression and alarm systems for multi-family, commercial and industrial development.

Sec. 16-5.05.060:

Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited

The limits referred to in Sections 3404.2.9.6.1, 3406.2.4.4, and 3406.4 of the 2010 California Fire Code/International Fire Code in which storage of flammable or combustible liquids is restricted, are hereby established as those districts identified in the city development code as follows:

S-R	Suburban Residential
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R-1	Single-Family Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Very High Density Residential
R-MPD	Residential-Mobile Home Planned Development
C-1	Neighborhood Retail
C-2	General Commercial
C-A	Administrative Professional Offices
FP	Conservancy and Flood Plain

Notwithstanding compliance with these regulations, nothing shall exempt such use from compliance with the city development code.

Exception: The storage of flammable and combustible liquids may be permitted in commercial zones when, in the opinion of the fire code official, such storage is necessary to the operation of the occupancy and underground storage is not feasible, or if fire protective measures approved by the fire code official are installed. Such fire protective measures may include, but, not be limited to, automatic fire sprinklers, specialized extinguishing systems, fire detection systems, fire-resistive construction or Underwriters Laboratories listed double container systems for the products.

Sec. 16-5.05.070:**Establishment of limits in which storage of liquefied petroleum gases is prohibited**

The limits referred to in Section 3804.2 of the 2010 California Fire Code/International Fire Code, in which the storage of liquefied petroleum gas is restricted, are hereby established as those districts identified in the city development code as follows:

S-R	Suburban Residential
R-1	Single-Family Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Very High Density Residential
R-MPD	Residential-Mobile Home Planned Development
C-1	Neighborhood Retail
C-2	General Commercial
C-A	Administrative Professional Offices
FP	Conservancy and Flood Plain

Notwithstanding compliance with these regulations, nothing shall exempt such use from compliance with the city development code.

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Exception: Special permits shall be issued for storage of "LPG" when, in the opinion of the fire code official such storage is necessary to the operation of the occupancy and adequate safety precautions are in place.

Motor vehicle fuel dispensing station for the purpose of refueling campers, motor homes, etc.;

- (a) Remote residential areas for the purpose of heating and cooking;
- (b) Commercial locations for equipment servicing;
- (c) Containers do not exceed five hundred liquid gallons;
- (d) Portable containers are not filled on site.

Sec. 16-5.05.080:

Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited

The limits referred to in Section 3301 of the 2010 California Fire Code and Section 3301.8 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as those districts identified in the city development code as follows:

S-R	Suburban Residential
R-1	Single-Family Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Very High Density Residential
R-MPD	Residential-Mobile Home Planned Development
C-I	Neighborhood Retail
C-2	General Commercial
C-A	Administrative Professional Offices
FP	Conservancy and Flood Plain

Notwithstanding compliance with these regulations, nothing shall exempt such use from compliance with the city development code.

Sec. 16-5.05.090:

Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited

The limits referred to in Section 3001 of the 2010 California Fire Code/International Fire Code, in which the storage of compressed natural gas storage is prohibited, are hereby established as those districts identified in the city development code as follows:

S-R	Suburban Residential
R-1	Single-Family Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Very High Density Residential
R-MPD	Residential-Mobile Home Planned Development

C-1	Neighborhood Retail
C-2	General Commercial
C-A	Administrative Professional Offices
FP	Conservancy and Flood Plain

Notwithstanding compliance with these regulations, nothing shall exempt such use from compliance with the city development code.

Exception: Special permits shall be issued for storage of "CNG" when, in the opinion of the fire code official, such storage is necessary to the operation of the occupancy and adequate safety precautions are in place.

Sec. 16-5.05.100:

Establishment of limits in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited

The limits referred to in Section 3201 of the 2010 California Fire Code/International Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as those districts identified in the city development code as follows:

S-R	Suburban Residential
R-1	Single-Family Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Very High Density Residential
R-MPD	Residential-Mobile Home Planned Development
C-1	Neighborhood Retail
C-2	General Commercial
C-A	Administrative Professional Offices
FP	Conservancy and Flood Plain

Notwithstanding compliance with these regulations, nothing shall exempt such use from compliance with the city development code.

Exception: Special permits shall be issued for storage of cryogenic fluids in stationary containers when, in the opinion of the fire code official, such storage is necessary to the operation of the occupancy and adequate safety precautions are in place.

Sec. 16-5.05.110:

Establishment of limits of districts in which the storage of hazardous materials is to be prohibited or limited

The limits referred to in Section 2701 of the 2010 California Fire Code/International Fire Code in which the storage of hazardous materials is prohibited or limited are hereby established as those districts identified in the city development code as follows:

S-R	Suburban Residential
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R-1	Single-Family Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Very High Density Residential
R-MPD	Residential-Mobile Home Planned Development
C-1	Neighborhood Retail
C-2	General Commercial
C-A	Administrative Professional Offices
FP	Conservancy and Flood Plain

Notwithstanding compliance with these regulations, nothing shall exempt such use from compliance with the city development code.

Exception: Special permits shall be issued for storage of hazardous materials when, in the opinion of the fire code official, such storage is necessary to the operation of the occupancy and adequate safety precautions are in place.

Sec. 16-5.05.120:

Establishment of fire access and site design standards

For the purpose of clarifying access and site design requirements, the fire code official is hereby authorized to establish design standards. These standards shall be made available to members of the public and shall be updated as required to remain in compliance with current adopted codes.

Article 6: Plumbing Code

Sec. 16-5.06.010 Short title

Sec. 16-5.06.020 Code adoption

Sec. 16-5.06.030 Plumbing permit fees

Sec. 16-5.06.040 Addition to section 713 - exception - public sewer system

Sec. 16-5.06.050 Amendment to section 412.5

Sec. 16-5.06.060 Grease interceptor installation - when required

Sec. 16-5.06.10:

Title

This chapter shall be known as the plumbing code of the city.

Sec. 16-5.06.020:

Code adoption

One copy of the 2010 Edition of the California Plumbing Code and Appendixes known as the California Code of Regulations, Title 24, Part 5, incorporating by reference, the 2009 Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials with California amendments, having been filed in the office of the city clerk, said code and appendixes are designated and adopted by reference as the plumbing code of the city, in addition to those additions, amendments and deletions as set forth in this chapter.

Sec. 16-5.06.030:

Plumbing permit fees

Fees for plumbing work shall be paid in accordance with the adopted fee schedule.

Sec. 16-5.06.040:

Addition to section 713.0 – exception - public sewer system

Section 713.0 of the California Plumbing Code is hereby amended by adding thereto a new subsection (713.7) to read as follows:

(713.7) In rural subdivisions as defined in Section 10.04.010(g), where a private available sewage disposal system fails with sufficient net area in the front yard available to install a second complete system, a permit shall be issued for said installation of a new private sewage disposal system.

Sec. 16-5.06.050:

Amendment to section 412.5

Section 412.5 of the California Plumbing Code is hereby amended by adding thereto a new subsection (412.5.4) to read as follows:

Shopping malls or centers with six (6) or more businesses shall have public restroom facilities open during normal business hours in accordance with the California Building Standards Code.

Sec. 16-5.06.060:

Grease interceptor installation - when required

Any establishment which will engage in the preparation of any type of food for consumption by members of the public and requires plumbing fixtures associated with food preparation and/or the cleaning of food preparation equipment is hereby required to install a grease interceptor. This interceptor shall meet all requirements set forth by this title and the adopted plumbing code of the city.

Article 7: Sewers and Private Disposal Systems

- Sec. 16-5.07.010: Connection to sewer**
- Sec. 16-5.07.020: Commercial, industrial, and public buildings**
- Sec. 16-5.07.030: Failure of private sewage disposal system**
- Sec. 16-5.07.040: New construction**
- Sec. 16-5.07.050: New construction—rural subdivisions**
- Sec. 16-5.07.060: Communal sewer systems**
- Sec. 16-5.07.070: Sewer availability charge**
- Sec. 16-5.07.080: Maintenance of sewer lateral**
- Sec. 16-5.07.090: Permit fees**
- Sec. 16-5.07.100: Variance procedure**
- Sec. 16-5.07.110: Violation unlawful**
- Sec. 16-5.07.120: Public nuisance abatement**
- Sec. 16-5.07.130: Penalty**
- Sec. 16-5.07.140: California plumbing code**

Sec. 16-5.07.010:

Connection to sewer

The owner of any building occupied or used by humans situated within the city and abutting on any street in which there is now located or may in the future be located a public sewer which will serve the building is required at his expense to connect the building directly with the proper public sewer in accordance with the provisions of this chapter within three years from the date of the availability of such public sewer. This provision shall not apply to rural subdivisions as defined in Section 10.04.010.

Sec. 16-5.07.020:

Commercial, industrial and public buildings

Commercial, industrial and public buildings or institutions as well as residential buildings not in a rural subdivision are also required to connect to the sewer system as provided in this chapter.

Sec. 16-5.07.030:

Failure of private sewage disposal system

Notwithstanding the provisions of Sections 10.04.020 and 10.04.030, the owner of any building occupied or used by humans situated within the city and abutting on any street on which there is now located or may in the future be located a public sewer which will serve the building and which building is, at the effective date of the ordinance codified in this chapter, being served by a privy, privy vault, septic tank, cesspool, seepage pit, or other private sewage disposal system intended or used for the disposal of sewage shall, upon the failure of such disposal system, at his own expense, connect said building directly with the proper public sewer within ten days from the date of such failure, and it is unlawful, thereafter, to construct or repair, reactivate or maintain any such facility. This section shall not apply to new construction within rural subdivisions if in compliance with Section 10.04.060(2) unless said failure causes concern for the health and safety of the citizens of the city.

Sec. 16-5.07.040:

New construction

All buildings constructed after the effective date of the ordinance codified in this chapter upon property within the city abutting on any street in which there is now located or may in the future be located a public sewer which will serve the building shall, during the course of construction,

be connected to the proper public sewer in accordance with the provisions of this section, and no such building shall become occupied or used until the provisions of this chapter have been complied with. This section shall not apply to new construction in rural subdivisions.

Sec. 16-5.07.050:

New construction - rural subdivisions

Individual private sewage disposal systems are considered appropriate for rural subdivisions provided there is adequate depth to groundwater and acceptable soil permeability. Where a determination is made to allow private sewage disposal systems, the following are required:

- (a) Private sewage disposal systems are to be located in the front yard;
- (b) All private sewage disposal systems shall be so designed that additional seepage pits or subsurface drain fields, equivalent to at least one hundred percent of the required original system, may be installed if the original system cannot absorb all the sewage.
- (c) The septic tank lid or covering shall be marked appropriately with a disc or other metal sensing device.
- (d) Methodology of Percolation Tests:
 - (1) Locations of borings and trenchings: If not random (grid method), state the specific reasons for choosing the selected locations. Plot and give coordinates for each location (distances from property lines). Locations may be plotted on plot plan.
 - (2) Number of borings or trenchings and tests: Unless deviations are authorized or permitted in advance by the city, the minimum number of explorations and tests shall be as shown below:

(i) Exploratory borings:

Development Type	Borings Required
Subdivisions, parcel maps 1 acre or less	3 borings first 10 lots; 1 boring every 10 thereafter
Subdivisions, parcel maps 1 to 5 acres	7 borings first 10 lots
Subdivisions, parcel maps 5 acres or more	1 boring in area of disposal system
Individual lot, residential	1 boring in area of disposal system
Commercial lot, condominiums, or other confluent systems under one ownership	1 boring per 2,000 gallons septic tank capacity in area of disposal system

(ii) Tests for leach-lines:

Development Type	Tests Required
Subdivisions and parcel maps up to 2.5 acres	6 tests first 10 lots; 1 test every 10 thereafter
Subdivisions and parcel maps 2.5 to 5 acres	100% of all lots, minimum 6 tests
Subdivisions and parcel maps 5 acres or more	100% of all lots in area of disposal system

Individual lot, residential	Minimum 4 tests in proposed sewage disposal and expansion area
Commercial lot, condominiums, or other confluent systems under one ownership	4 tests per 2,000 gallons of septic tank capacity with a Minimum 4 tests in proposed sewage disposal and expansion area

(iii) Tests for seepage pits:

Development Type	Tests Required
Subdivisions and parcel maps less than 1 acre	3 tests first 10 lots; 2 tests for every 10 lots thereafter
Subdivisions and parcel maps 1 acre to 5 acres	7 tests first 10 lots; 4 tests for every 10 lots thereafter
Subdivisions and parcel maps 5 acres or more	100% of all lots in area of disposal system
Individual lot, residential	Minimum 2 tests in proposed sewage disposal and expansion area
Commercial lot, condominiums, or other confluent systems under one ownership	2 tests/2,000 gallon septic tank capacity in proposed sewage disposal and expansion areas

(e) The construction and the operation of the private disposal system shall be in accordance with the Guidelines for Waste Disposal from Land Developments adopted by the California Regional Water Quality Control Board adopted July 11, 1974.

(f) Sub-dividers may be required to form a septic tank maintenance district if required by the city.

Sec. 16-5.07.060:

Communal sewer systems

For subdivisions containing lots less than eighteen thousand square feet, private sewage disposal systems are not allowed and must be connected to an operating sewer line. Where sewers are not available, the subdivider must construct a communal sewer system, including holding tanks of adequate size, and must provide for the maintenance and pumping of the holding tanks until sewers are available.

Sec. 16-5.07.070:

Sewer availability charge

Where subdivisions containing lots more than eighteen thousand square feet have been approved for septic tank systems and sewer lines are available, a standby or availability charge shall be levied on all lots within two hundred feet of the sewer lines and all houses must be connected to the sewer line when a private sewage disposal system fails unless sufficient net area in the front yard is available to install a second complete system. Said availability charge shall be ten dollars per annum per lot for parcels of one acre or less, or ten dollars per annum per acre.

Sec. 16-5.07.080:

Maintenance of sewer lateral

Any owner of any property connecting to the sewer system shall be required to maintain in good working order, at the property owner's sole expense, the sewer laterals from their building or structure to the city's mainline. Any and all owners shall keep the sewer lateral free of roots, grease, debris, and blockages, and shall ensure that there are no breaks, cracks or other issues as to prevent the sewer lateral from operating in an efficient manner. Prior to commencing any repairs, the owner must obtain all applicable permits from the city. Should repairs to and/or replacement of the sewer lateral require encroaching in the public right-of-way, the property owner or property owner's agent must obtain an Encroachment Permit from the city prior to commencing any such repairs.

Sec. 16-5.07.090:

Permits - fees

No building or property shall be connected to a public sewer until a permit for the work has been obtained from the city and all fees, costs or pro-rated assessments for any publicly constructed sewer or any privately constructed sewer installed under a valid reimbursement agreement between the property owner and the city have been paid in accordance with the requirements of this chapter and such requirement agreement.

Sec. 16-5.07.100:

Variance procedure

A variance from the provisions and regulations of this chapter may be obtained upon a written application therefore, directed to the City Council, who shall have the power to grant a variance if it finds from the evidence presented by the applicant that there are special circumstances applicable to the individual's property, such as a building being too low to permit gravity flow to a public sewer or the topography of the land is such that said gravity flow will not occur, or that the building or proposed building is too far distant from a public sewer to make it practicable or economically feasible to connect thereto, and that strict enforcement of the provisions of this chapter would result in practical difficulty, unnecessary hardship, or results inconsistent with the general purpose and intent of this chapter, and that the granting of such a variance will not be materially detrimental to the public health, safety or welfare.

Sec. 16-5.07.110:

Violation unlawful

Following the effective date of the ordinance codified in this chapter, it is unlawful for any person to connect to, construct, install, provide, maintain, reactivate or use any means of sewage disposal from any building in the city other than by connection to a public sewer, except in the manner as in this chapter provided and permitted.

Sec. 16-5.07.120:

Public nuisance - abatement

Continued habitation of any building in violation of the provisions of this chapter is declared to be a public nuisance, and the city may cause proceedings to be brought for the abatement of the occupancy of the building during the period of such violation.

Sec. 16-5.07.130:

Penalty

Any person violating any of the provisions, or failing to comply with the requirements of this chapter, is guilty of a civil penalty, punishable in accordance with Chapter 1.05. In addition, in

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the discretion of the city attorney and based upon the specific facts and circumstances presented to him or her, any such violation may be charged as a misdemeanor subject to the penalties contained in Section 1.04.010.

Sec. 16-5.07.140:

California plumbing code

Should any portion or portions of this chapter conflict with the California Plumbing Code, the California Plumbing Code shall prevail.

Article 8: Mechanical Code

Sec. 16-5.08.010 Short title

Sec. 16-5.08.020 Code adoption

Sec. 16-5.08.030 Mechanical permit fees

Sec. 16-5.08.010:

Title

This chapter shall be known as the mechanical code of the city.

Sec. 16-5.08.020:

Code adoption

One copy of the 2010 Edition of the California Mechanical Code and Appendixes known as the California Code of Regulations, Title 24, Part 4, incorporating by reference, the 2009 Uniform Mechanical Code, published by the International Association of Plumbing and Mechanical Officials with California amendments, having been filed in the office of the city clerk, said code and appendixes are designated and adopted by reference as the mechanical code of the city.

Sec. 16-5.08.030:

Mechanical permit fees

Fees for mechanical work shall be paid in accordance with the adopted fee schedule.

Article 9: Electrical Code

Sec. 16-5.09.010 Short title

Sec. 16-5.09.020 Code adoption

Sec. 16-5.09.030 Electrical permit fees

Sec. 16-5.09.010:

Title

This chapter shall be known as the electrical code of the city of Victorville.

Sec. 16-5.09.020:

Code adoption

One copy of the 2010 Edition of the California Electrical Code known as the California Code of Regulations, Title 24, Part 3, incorporating by reference, the 2008 National Electrical Code, published by the National Fire Protection Association with California Amendments, having been filed in the office of the city clerk, said code is designated and adopted by reference as the electrical code of the city.

Sec. 16-5.09.030:

Electrical permit fees

Fees for electrical work shall be paid in accordance with the adopted fee schedule.

Article 10: Energy Code

Sec. 16-5.10.010 Title

Sec. 16-5.10.010 Code adoption

Sec. 16-5.10.010:

Title

This chapter shall be known as the energy code of the City of Victorville.

Sec. 16-5.10.020:

Code adoption

One copy of the 2007 California Energy Code and Appendices known as the California Code of Regulations, Title 24, Part 6, published by the International Code Council with California amendments, having been filed in the office of the city clerk, said code and appendices are designated and adopted by reference as the energy code of the city along with those additions, amendments and deletions as set forth in this chapter.

Article 11: Green Building Code

Sec. 16-5.11.010 Title

Sec. 16-5.11.020 Code adoption

Sec. 16-5.11.030 Code amendment

Sec. 16-5.11.040 Assessment

Sec. 16-5.11.050 Responsibility (prior to permitting)

Sec. 16-5.11.060 Construction waste reduction, disposal and recycling plan requirements (during project construction)

Sec. 16-5.11.070 Documentation (prior to final)

Sec. 16-5.11.010:

Title

This chapter shall be known as the green building code of the city of Victorville.

Sec. 16-5.11.020:

Code adoption

One copy of the 2010 California Green Building Standards Code and Appendices known as the California Code of Regulations, Title 24, Part 11, published by the International Code Council with California amendments, having been filed in the office of the city clerk, said mandatory code and appendices are designated and adopted by reference as the green code of the city along with those additions, amendments and deletions as set forth in this chapter.

Sec. 16-5.11.030:

Code amendment

Sections 4.408 and 5.408, Construction Waste Reduction, Disposal and Recycling of the California Green Code are amended as per this code section.

Section 16-5.11.040:

Assessment

There shall be a fee assessed for the plan check and monitoring of the Construction Waste Reduction, Disposal and Recycling Plan. Herein to be referred to as the Plan.

Section 16-5.11.050:

Responsibility (prior to permitting)

- (a) Prior to permitting, documentation shall be provided to the City of Victorville that demonstrates compliance with this section. The Plan shall indicate the method by which a minimum of fifty percent (50%) of the site's nonhazardous construction and demolition debris waste materials shall be recycled and/or salvaged for reuse as well as indicate the manner of disposal for the remaining fifty percent of the construction waste.
- (b) It shall be the responsibility of the permittee to complete the City provided Construction Waste Management Plan document which shall be presented to, and approved by, the City prior to permitting. The following information shall be provided:
 - (1) Identify the materials to be diverted from disposal by efficient usage, recycling, reuse on the project or salvaged for future use or sale;
 - (2) The permittee shall complete the City provided Construction Waste Management Plan Worksheet by specifying the materials which shall be sorted on-site or mixed for transportation to a diversion facility;
 - (3) Identify the diversion facility where the materials collected will be taken;

- (4) Identify construction methods employed to reduce the amount of waste generated.
- (c) Prior to permitting, the permittee shall acknowledge submission and acceptance of responsibility for the requirements imposed by Construction Waste Reduction, Disposal and Recycling Plan. The permittee shall sign and date the City provided Construction Waste Reduction, Disposal and Recycling Plan cover letter. This cover letter shall become part of the City records.

Section 16.-5.11.060:

Construction waste reduction, disposal and recycling plan requirements (during project construction)

- (a) The foreman for each new subcontractor that comes on site is to receive a copy of the Construction Waste Manage Plan and must complete the Acknowledgement Form including the date and signature of the foreman. This document shall be available at the jobsite upon request of the City Inspector.
- (b) The Construction Waste Manage Plan Worksheet shall be completed and dated for each load of materials diverted. This document shall be available upon request of the City field Inspector.
- (c) The quantity of materials diverted shall be calculated by volume. This information will be required to complete the City provided Construction Waste Reduction Management Plan Summary document which is required prior to job final.
- (d) The materials that are to be diverted from disposal by efficient usage, recycle, reused on the project or salvaged for future use or sale shall be identified and placed in a manner as to be distinguished from the general trash, rubbish and debris. The City Inspector shall monitor these designated areas at various times during construction.
- (e) One hundred percent (100%) of trees, stumps, rocks and associated vegetation and soils resulting primarily from excavating and land clearing shall be reused or recycled. A record and receipts of all diverted materials shall be available for the City Inspector upon request.
- (f) The Plan shall be updated as necessary and shall be accessible during construction for examination by the City Inspector upon request.
- (g) All documents required by this section shall be kept current including the removal procedures used on all materials removed from the site, and shall be available to the City inspector at all times. Failure to comply with this section will result in the issuance of a stop work order which will remain in effect until all documents are made current and available.

Section 16.-5.11.070:

Documentation (prior to final)

Documentation shall be provided to the City of Victorville Building Division which demonstrates compliance with this Plan. The permittee shall complete the City provided Construction Waste Reduction Management Plan Summary. This document shall be completed and submitted to the building division, along with documentation supporting the diversion or disposal method used (i.e. disposal site receipts or tickets), and shall receive approval from the Building Division prior to receiving a final inspection.

Article 12: Underground Utilities

- Sec. 16-5.12.010 Public hearing**
- Sec. 16-5.12.020 Designation of districts by resolution**
- Sec. 16-5.12.030 Unlawful acts**
- Sec. 16-5.12.040 Emergency or unusual circumstances**
- Sec. 16-5.12.050 Exceptions**
- Sec. 16-5.12.060 Notice to property owners and utility companies**
- Sec. 16-5.12.070 Responsibility of utility companies**
- Sec. 16-5.12.080 Property owner responsibility**
- Sec. 16-5.12.090 Service of notice**
- Sec. 16-5.12.100 Contents of notice**
- Sec. 16-5.12.110 Failure to provide facilities - work completion – report - hearing**
- Sec. 16-5.12.120 Hearing - notice**
- Sec. 16-5.12.130 Hearing - council decision**
- Sec. 16-5.12.140 Assessment - lien**
- Sec. 16-5.12.150 Responsibility of city**
- Sec. 16-5.12.160 Extension of time**
- Sec. 16-5.12.170 Underground installation required**
- Sec. 16-5.12.180 Exceptions - approval by Building Official**
- Sec. 16-5.12.190 Suspension of underground utility requirements**
- Sec. 16-5.12.200 Temporary utilities - allowed when**
- Sec. 16-5.12.210 Placement of appurtenances aboveground**
- Sec. 16-5.12.220 Nonconforming structures**
- Sec. 16-5.12.230 In-lieu deposits**
- Sec. 16-5.12.240 Severability**

Sec. 16-5.12.010:

Public hearing

- (a) The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires, and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive.
- (b) Prior to holding such public hearing, the city engineer shall consult with all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the city and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities.

Sec. 16-5.12.020:

Designation of districts by resolution

If, after any such public hearing the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the

council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

Sec. 16-5.12.030:

Unlawful acts

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 16-5.12.020, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ, or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Sections 16-5.12.080 through 16-5.12.140, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter.

Sec. 16-5.12.040:

Emergency or unusual circumstances

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

Sec. 16-5.12.050:

Exceptions

In any resolution adopted pursuant to Section 16-5.12.020, the city may authorize any or all of the following exceptions:

- (a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;
- (b) Poles, or electroliers used exclusively for street lighting;
- (c) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- (d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;
- (e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- (f) Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

- (g) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;
- (h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

Sec. 16-5.12.060:

Notice to property owners and utility companies

- (a) Within ten days after the effective date of a resolution adopted pursuant to Section 16-5.12.020, the city clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant, shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.
- (b) Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 16-5.12.020, together with a copy of the ordinance codified in this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

Sec. 16-5.12.070:

Responsibility of utility companies

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 16-5.12.020, the supplying utility shall furnish that portion of the conduits, conductors, and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Public Utilities Commission.

Sec. 16-5.12.080:

Property owner responsibility

Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 16-5.12.070 and the termination facility on or within said building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 16-5.12.020, the city engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten days after receipt of such notice.

Sec. 16-5.12.090:

Service of notice

The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Victorville. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city engineer shall, within forty-eight hours after the mailing thereof, cause a

copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on said premises.

Sec. 16-5.12.100:

Contents of notice

The notice given by the city engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty days after receipt of such notice, the city engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

Sec. 16-5.12.110:

Failure to provide facilities - work completion – report - hearing

If upon the expiration of the thirty day period, the said required underground facilities have not been provided, the city engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the city engineer shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the city engineer, he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten days thereafter.

Sec. 16-5.12.120:

Hearing - notice

The city engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

Sec. 16-5.12.130:

Hearing - council decision

Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

Sec. 16-5.12.140:

Assessment - lien

If any assessment is not paid within five days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city engineer, and the city engineer is directed to turn over to the assessor and tax collector a notice of lien on each of said properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and

payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum.

Sec. 16-5.12.150:

Responsibility of city

The city shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 16-5.12.020.

Sec. 16-5.12.160:

Extension of time

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 16-5.12.020 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

Sec. 16-5.12.170:

Underground installation required

Except as provided in Section 16-5.12.180, underground installation is required for all electrical distribution lines thirty-four thousand five hundred volts nominal or under, telephone, cable, antenna television and similar service wires or cables which:

- (a) Provide direct service to the property being developed; or
- (b) Are existing and located within the boundaries being developed; or
- (c) Are existing between the property line and the centerline of the peripheral streets of the property being developed; or
- (d) Are located along or within six feet of the rear or side lot lines of the property being developed; or
- (e) Are within the existing or required right-of-way for the project; or
- (f) Are relocated as a result of a project.

Sec. 16-5.12.180:

Exceptions - approval by the Building Official

The following exceptions may apply, subject in each case to the written approval of the building official and then only on the basis of a formal request detailing the reasons therefore:

- (a) In residential areas where utility service poles presently exist along or near rear lot lines, overhead utility lines to serve residential structures may be permitted. This exception may be applied to existing subdivided property where building permits have not been issued, but shall not apply to new residential subdivisions.
- (b) On developments consisting of three lots or less that do not in total exceed six hundred feet of frontage for residential proposals or six hundred feet of frontage for commercial development, the building official may waive construction of underground utilities along the peripheral streets of property lines or property lines. However, in such a situation an estimated cost for underground utilities along the peripheral streets shall be determined and a cash deposit in this amount shall be deposited with the city.

Sec. 16-5.12.190:

Suspension of underground utility requirements

The Planning Commission may suspend, in whole or in part, the requirements to install underground utilities as required by this chapter. In making such a suspension, the Planning

Commission shall find that such action will not affect the health, safety and welfare of the public. The applicant shall agree in writing to participate in any future undergrounding of utilities on which the property is located whether privately or publicly initiated. This agreement shall be recorded with the county recorder by the city clerk. Any appeal may be taken to the City Council within ten days after the date of the action of the Planning Commission on any application filed pursuant to this chapter. Appeals shall be conducted as specified in Chapter 3 Article 2.

Sec. 16-5.12.200:

Temporary utilities - allowed when

Temporary utilities along with the necessary poles, wires and cables may be permitted for the period during which a valid building permit has been issued or for temporary uses which comply with the requirements of the zoning ordinance, building code and other applicable regulations.

Sec. 16-5.12.210:

Placement of appurtenances aboveground

Appurtenances and associated equipment including, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed aboveground; provided, such proposed location is not in the public right-of-way. Utility service poles may be placed in the area within six feet of the rear lot line of the property to be developed, where overhead lines exist, for the sole purpose of terminating underground facilities.

Sec. 16-5.12.220:

Nonconforming structures

In accordance with Sections 9.32.010 and Chapter 3 Article 5 of this code, buildings and structures which are nonconforming in regard to aboveground, on-site utility lines may continue to be used. However, when the building or structures are enlarged or when alteration or enlargement requires the installation of utility lines at new locations on the building or structure or when existing electrical capacity to the building or structure has increased or when the building is improved in an amount more than ten percent of its then fair market value, the utility lines shall comply with the requirements of this chapter.

Sec. 16-5.12.230:

In-lieu deposits

If technology or economics of scale require or permit a delay in the underground installation required in the application of Section 16-5.12.170, the following shall apply:

- (a) The cost of undergrounding shall be estimated by the city and a cash deposit in the estimated amount shall be deposited with the city. This cash deposit shall be placed into an underground utility fund and used solely for the purpose of undergrounding distribution lines as required by this chapter throughout the city; or
- (b) If undergrounding is economically and technically feasible, it shall be accomplished with the estimated costs of the balance of the required undergrounding placed into the underground utility fund.

Sec. 16-5.12.240:

Severability

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have passed the ordinance codified in this chapter and each section, subsection,

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sentence, clause or phrase therefore, irrespective of the fact that any of the above sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Article 13: Wind Energy Conversion System Regulations

Sec. 16-5.13.010 Purpose

Sec. 16-5.13.020 Findings

Sec. 16-5.13.030 Wind energy conversion systems

Sec. 16-5.13.040 Severability

Sec. 16-5.13.010:

Purpose

The City Council of the city adopts the ordinance codified in this chapter to promote the effective and efficient use of wind energy conversion systems (WECS) and to regulate the placement of wind energy conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

Sec. 16-5.13.020:

Findings

The City Council of the city finds and declares that wind energy is an abundant, renewable, and nonpolluting energy resource in certain areas of the city and that its conversion to electricity will reduce our dependence on nonrenewable fossil fuel, supplement existing energy sources, and decrease the air and water pollution that results from the use of conventional energy sources.

Sec. 16-5.13.030:

Wind energy conversion systems

If a wind energy conversion system is permitted pursuant to Chapter 3 Article 2 of this code, it shall be subject to the following regulations:

- (a) Building Permit Application for a WECS. Building permit applications for a wind energy conversion system shall be accompanied by a plot plan drawn in sufficient detail to clearly describe the following:
 - (1) Property line and physical dimensions of the site;
 - (2) Location, dimensions, and types of existing structures and uses on site;
 - (3) Location of the proposed WECS;
 - (4) Location of all aboveground utility lines on-site or within one radius of the total height of the WECS;
 - (5) Location and size of the largest structure taller than thirty-five feet or tree which may potentially grow taller than thirty-five feet during the lifetime of the WECS within a five hundred feet radius of the proposed WECS. Other WECS are excluded.
- (b) General Provisions. Installation of all wind energy conversion systems shall comply with the following requirements:
 - (1) Size. This chapter covers those WECS whose swept area is five hundred square feet or less. For conventional propeller WECS, this would be approximately twenty-five feet diameter.
 - (2) Compliance with California Building Code and California Electrical Code, as applicable. Building permit applications shall be accompanied by standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings. The application shall also include engineering data and calculations to demonstrate compliance of the support structure with seismic and structural design provisions of the California Building Code and California Electrical Code, as applicable. Drawings and engineering calculations shall be certified in writing by a California-registered structural engineer. This certification can be supplied by the manufacturer.

Where the structural components of an installation vary from the standard design or specifications, the proposed modifications shall be certified by a California-registered structural engineer for compliance with the seismic and structural design provisions of the California Building Code and California Electrical Code, as applicable.

All equipment and materials shall be used or installed in accordance with such drawings. The above certifications by a California-registered structural engineer shall be deemed to satisfy all applicable requirements of the California Building Code and California Electrical Code, as applicable.

- (3) Compliance with California Electrical Code. Building permit applications shall be accompanied by a drawing identifying the location of metering, protection and control devices, and transformer equipment in sufficient detail to allow for a determination that the manner of installation will conform to Articles 250 (Grounding), 280 (Lightning Arrestors), 300 (Wiring Methods), 310 (Conductors for General Wiring), 430 (Motors), 445 (Generators), and 450 (Transformers and Transformer Vaults) of the California Electrical Code. The application shall include a statement from a California-registered electrical engineer indicating that the electrical system conforms with good engineering practices and complies with the above articles of the California Electrical Code. All equipment and materials shall be used or installed in accordance with such drawings and diagrams. This certification can be supplied by the manufacturer.

Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a California-registered electrical engineer for compliance with the requirements of the California Electrical Code and good engineering practices.

The above certification by a California-registered electrical engineer shall be deemed to satisfy all applicable requirements of the California Electrical Code.

- (4) Rotor Safety. Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a California-registered engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the compatibility of possible towers with available rotors. That certification can be supplied by the manufacturer must be established.
- (5) Guy Wires. Anchor points for guy wires shall be located within property lines and not on or across any aboveground electric transmission or distribution line. Guy wires shall be enclosed by a fence six feet high or the WECS shall be set back from the property line the total height of the WECS.
- (6) Tower Access. Lattice towers capable of being climbed shall be enclosed by a locked, protective fence at least six feet high. Other towers should have either:
- (i) Tower-climbing apparatus located not closer than twelve feet from the ground;
 - (ii) A locked anti-climb device installed on the tower; or
 - (iii) The tower shall be completely enclosed by a locked, protective fence at least six feet high.
- (7) Noise. The maximum sound pressure level radiated in each standard octave band by any use or facility, other than transportation facilities or temporary construction work, shall not exceed the values for octave bands lying within the several frequency limits given in Table 16-5.13.030(7)1, after applying the corrections shown in Table 16-5.13.030(7)2. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to the standards prescribed by the American Standards Association. American Standards Sound Level Meters for Measurement of Noise and Other Sounds, Z224.3-1944, American Standards

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Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y., shall be used.

When notified by a city building inspector that a wind energy system is not in compliance with the above noise standards, the operator shall immediately bring the wind energy conversion system into compliance with the noise standards or cease operations.

Table 16-5.13.030(7)1
Sound Pressure Level Limits

Frequency Ranges Containing Standard Octave Bands (in cycles per second)	Octave Band Sound Pressure Level in Decibels (re 0.0002 dyne/cm ²)
20--300	60
300--2,400	40
Above 2,400	30

If the noise is not smooth and continuous and is not radiated between the hours of ten p.m., and seven a.m., one or more of the corrections in Table 16-5.13.030(7)2 shall be applied to the octave band levels given in Table 16-5.13.030(7)1.

Table 16-5.13.030(7)2
Sound Pressure Level Corrections

Type of Location of Operation or Character of Noise	Corrections (in decibels)
Daytime operation only	5
Noise source operated less than: 2	
Twenty percent of any one-hour period	5
Five percent of any one-hour period	10
Noise of impulsive character, hammering, etc.	-5
Noise of periodic character, hum, screech, etc.	-5
Property is located in one of the following zoning districts and is not within five hundred feet of any R district or any area designated for future residential development in the city master plan: 3	
Any C or IPD district	5
Any A or M district	10

2. Apply any of these corrections only.

3. Apply one of these corrections only.

- (8) Electromagnetic Interference. A wind energy conversion system shall comply with the provisions of 47 C.F.R., Parts 15 and 18. The wind energy conversion system shall be

operated such that no harmful interference is caused. When notified by a city building inspector that a wind energy conversion system is causing harmful interference, the operator shall immediately eliminate the harmful interference or cease operations.

- (9) Signs. At least one sign shall be posted at the base of the tower warning of high voltage. The sign shall also include:
- (i) Emergency phone number; and
 - (ii) Emergency shutdown procedures.
- (10) Utility Notification. No wind turbine shall be interconnected with a utility company's grid until the company has been notified in accordance with procedures established by the California Public Utilities Commission.
- (11) Height. The minimum height of the lowest part of the WECS shall be either thirty feet above the highest structure allowed under the local zoning requirement or potential tree height, whichever is higher, if it is within a two-hundred-foot radius. If an obstruction is within two-hundred-one-foot to five-hundred-foot radius, the lowest part of the WECS shall be ten feet above it.
- (12) Setbacks. The WECS shall be located such that the furthest extension of the apparatus does not cross any property lines, except as provided for under subsection (a) of Section 16-5.13.030.
- (13) Abatement. If a wind energy conversion system or systems are not maintained in operational condition and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The city reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the city determines that the WECS has been abandoned, the system shall be removed within thirty days of written notice to the owner or operator of the system.

Sec. 16-5.13.040:

Severability

If any provision of this chapter or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Article 14: Construction Site Maintenance and Trash Containment

- Sec. 16-5.14.010 Statement of purpose and authority**
- Sec. 16-5.14.020 Construction waste reduction management**
- Sec. 16-5.14.030 Containment**
- Sec. 16-5.14.040 Containers**
- Sec. 16-5.14.050 Placement**
- Sec. 16-5.14.060 Refuse removal**
- Sec. 16-5.14.070 Responsibility**
- Sec. 16-5.14.080 Enforcement and inspections**

16-5.14.010:

Statement of purpose and authority

The purpose of this chapter is to establish minimum standards for demolition and construction site maintenance; including the collection, storage, containment, removal and recycling of construction site trash, rubbish and debris.

16-5.14.020:

Construction waste reduction management

The requirements for Construction Waste Reduction Management shall be per the California Green Code as amended by the City of Victorville Development Code.

16-5.14.030:

Containment

There shall be containment of trash, rubbish and debris on a routine, continuous basis for each construction site, and there shall be no loose materials permitted to accumulate on the site or to be carried away by wind or water.

16-5.14.040:

Containers

Containers used for storage of trash, rubbish and debris until collection and/or transportation to an approved disposal site shall be either:

- (a) A roll-off bin (dumpster) provided by a refuse collection service and complying with other applicable city code provisions. Roll-off bins shall have lids which are kept in the closed position unless opened for placement or removal of materials. Roll-off bins shall be emptied when full and under no circumstances shall construction materials be permitted to overfill the container. The following minimum sizes are required:
 - (1) One and one-half-cubic-yard bin per one dwelling unit, non-tract;
 - (2) Three-cubic-yard bin per three dwelling units and tracts and one per building for apartment complexes;
 - (3) Two-cubic-yard bin per commercial or industrial building, commercial or industrial complexes;
- (b) A fenced-in area of at least one hundred cubic feet with side walls at least four feet in height and a wire lid shall be required. Material for side walls and lid shall have no openings greater than four inches in either direction. Fenced area shall be securely staked in place and the fenced area shall be emptied when full, and under no circumstances shall construction material or trash be permitted to overfill the fenced area.

16-5.14.050:

Placement

- (a) Containment devices or bins shall not be located in a manner or location that will block or constrict passage of a right-of-way, easement, public thoroughfare or other area where right-of-access may be required for the public health, safety or welfare.
- (b) Containment devices or bins shall be located on the construction site for each development, project or structure, when multiple lots or structures are developed, the bins or containment devices shall be as per Section 16-5.14.040 or as needed in the opinion of the building official.

16-5.14.060:

Refuse removal

Containment devices shall be placed at the time construction commences on the site. All trash, rubbish and debris shall be removed from the container as needed to prevent overfill of the container. Trash, rubbish and debris shall be removed from the site and transported to an approved disposal facility. Temporary containment devices as well as debris, rubbish and trash shall be removed from the site prior to final inspection. Roll-off bins that will remain after completion of the building may be emptied and placed in their permanent locations.

16-5.14.070:

Responsibility

It shall be the responsibility of the permittee or agent to provide for the construction site maintenance and the containment of all trash, rubbish and debris during construction and for the proper removal thereof.

16-5.14.080:

Enforcement and inspections

A violation of the provisions of this chapter shall be an infraction and should noncompliance persist, a stop work notice may be issued by the building official. All building permit or grading permit inspections shall be made with the provisions of this chapter, and all final approvals shall be made only after such compliance. The city building inspectors, making construction site inspections under authority of the building official pursuant to building permits, shall also inspect to determine that there is compliance with the provisions of this chapter. When it appears upon inspection that there is a violation, there shall be conducted one or more additional inspections until it is found that the provisions have been satisfied. There shall be a fee for inspections after the initial inspection, as prescribed in Section 16-5.03.040, when required to determine if compliance with the provisions of this chapter are yet achieved.

Article 15: Military Base Reuse

Sec. 16-5.15.010: Purpose

Sec. 16-5.15.020: General

Sec. 16-5.15.030: Pre-subleasing code compliance inspections

Sec. 16-5.15.040: Applicable Code

Sec. 16-5.15.050: Notice to proposed sub-tenants

Sec. 16-5.15.060: Graduated compliance plan and timetable

Sec. 16-5.15.070: Enforcement

Sec. 16-5.15.080: Revocation of certificate of occupancy

Sec. 16-5.15.090: Fees

Sec. 16-5.15.010:

Purpose

The purpose of this chapter is to safeguard life safety, fire safety, health or sanitation by establishing minimum requirements for building or structure reuse and allowing for a graduated compliance plan and timetable by which such requirements may be enforced within the jurisdictional boundaries of the city.

Sec. 16-5.15.020:

General

Existing Nonresidential Buildings or Other Structures Located on a Closed Military Base.

(a) As authorized by California Health and Safety Code, Section 33492, a building or other structure that is located on a military base (specifically George Air Force Base) closed by action of the Federal Defense Base Closure and Realignment Commission may comply with the requirements of this code in a graduated manner over a period not to exceed ten years, provided that:

- (1) The building or structure is in existence at the time the military base is selected for closure by action of the Federal Defense Base Closure and Realignment Commission;
- (2) The building or structure is not in a Group R (residential) occupancy classification;
- (3) The building or structure will be safe for its intended use and occupancy;
- (4) The building or structure is under a lease from the federal government to VVEDA;
- (5) The building or structure will be subleased to a private party; and
- (6) The building or structure meets the compliance inspection and graduated compliance plan requirements set forth below.

Sec. 16-5.15.030:

Pre-subleasing code compliance inspections

- (a) Before VVEDA enters into any sublease of the building or structure with a private party, they shall request the development director and the fire code official to inspect, or cause to be inspected, the building or structure for compliance with the code in accordance with the provisions of this section.
- (b) The development director and the fire code official shall issue a written report on their compliance findings to VVEDA prior to entering into a sublease. The development director and the fire code official may issue the compliance report jointly or separately at their discretion.

Sec. 16-5.15.040:

Applicable code

The development director and the fire code official shall evaluate the building or structure using the codes in effect at the time of original construction. If they cannot determine what codes were in effect at the time of original construction, the development director and the fire code official shall jointly determine which codes are the appropriate ones to be used to evaluate the building or structure for purposes hereof.

Sec. 16-5.15.050:

Notice to proposed subtenants

VVEDA shall be responsible for notifying the proposed subtenant of the final compliance inspection reports for such building or structure. VVEDA may give such notice by either attaching a copy of the final reports to the sublease or providing a copy of such reports to the subtenant.

Sec. 16-5.15.060:

Graduated compliance plan and timetable

- (a) Complying Building or Structure. If, after performing the inspection required by Section 16-5.15.030, the development director and the fire code official concur that the building or structure meets current requirements for the new occupancy and will not be hazardous to life safety, fire safety, health or sanitation based on its intended use and occupancy, a certificate of occupancy will be issued by the development department with the approval of the fire department after the planned alteration work has been completed and approved.
- (b) Remedial Work Required. If, after performing the inspection required by Section 16-5.15.030, the development director and the fire code official concur that remedial work is required before the intended use, and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation, that work must be done in conjunction with any planned alterations. All remedial work must either comply with current codes or be approved by the development department and the fire department as providing equivalent public safety. The building or structure may not be occupied until a certificate of occupancy has been issued by the development department.
- (c) Graduated Compliance Plan. A graduated plan of compliance with the applicable codes may be approved with the concurrence of the development director and the fire code official provided that:
 - (1) The development director and the fire code official have issued a written determination that in their respective opinions the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation. This determination may be issued jointly or separately at the discretion of the development director and the fire code official;
 - (2) The time for full compliance with the applicable codes does not exceed a period of ten years from the date that VVEDA enters into a sublease with the private party;
 - (3) All new work either complies with current codes or is approved by the development department and the fire department as providing equivalent public safety; and
 - (4) A temporary certificate of occupancy is issued by the development department with the approval of the fire department setting forth the approved graduated compliance plan and a timetable for full compliance with the applicable codes. The compliance plan and timetable may be amended only with the joint approval of the development director and the fire code official. In no event may the time allowed for full code compliance extend beyond the ten-year period.

Sec. 16-5.15.070:

Enforcement

Notice of Violation. The development department and the fire department shall provide VVEDA with a copy of any notice of violation delivered to subtenant pursuant to Chapter 1.05 of this code.

Sec. 16-5.15.080:

Revocation of certificate of occupancy

If compliance measures are not completed pursuant to Section 16-5.15.060, the certificate of occupancy shall be revoked.

Sec. 16-5.15.090:

Fees

The development department and the fire department may charge VVEDA fees for actual time and materials expended in responding to requests for inspection and performing other tasks associated with the graduated compliance plan program. Fees for permits and other services shall be as set forth in Chapter 5 Article 1 of this code.

Article 16: Flood Damage Prevention

- Sec. 16-5.16.010 Statutory authorization**
- Sec. 16-5.16.020 Findings of fact**
- Sec. 16-5.16.030 Statement of purpose**
- Sec. 16-5.16.040 Methods of reducing flood losses**
- Sec. 16-5.16.050 General provisions**
- Sec. 16-5.16.060 Administration**
- Sec. 16-5.16.070 Standards of construction**
- Sec. 16-5.16.080 Standards for utilities**
- Sec. 16-5.16.090 Standards for subdivisions**
- Sec. 16-5.16.100 Standards for manufactured homes**
- Sec. 16-5.16.110 Standards for recreational vehicles**
- Sec. 16-5.16.120 Floodways**
- Sec. 16-5.16.130 Mudslide prone areas**
- Sec. 16-5.16.140 Flood-related erosion-prone areas**
- Sec. 16-5.16.150 Nature of variances**
- Sec. 16-5.16.160 Appeal Board**
- Sec. 16-5.16.170 Conditions for variances**

Sec. 16-5.16.010:

Statutory authorization

The legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units' authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of the city does adopt the following floodplain management regulations.

Sec. 16-5.16.020:

Findings of fact

- (a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to the flood loss.

Sec. 16-5.16.030:

Statement of purpose

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;

- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blighted areas caused by flood damage;
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Sec. 16-5.16.040:

Methods of reducing flood losses

In order to accomplish its purposes, this chapter includes methods and provisions to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Control filling, grading, dredging and other development which may increase flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Sec. 16-5.16.050:

General provisions

- (a) Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.
- (b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the San Bernardino County and incorporated areas flood insurance study (FIS), dated August 28, 2008, and accompanying flood insurance rate map (FIRM), dated August 28, 2008, and all subsequent amendments and/or revisions are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas that allow implementation of this chapter and are recommended to the City Council by the floodplain administrator. The FIS and FIRM are on file in the office of the floodplain administrator at 14343 Civic Drive, Victorville, California.
- (c) Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.
- (d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

- (f) **Warning and Disclaimer of Liability.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- (g) **Severability.** This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Sec.16-5.16.060:

Administration

- (a) **Establishment of Development Permit.** A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 16-5.16.050(b). Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
 - (1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, in zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or
 - (2) Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, if required in Section 16-5.16.070 (c)(3); and
 - (3) All appropriate certifications listed in subsection (c)(4) of this section;
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (b) **Designation of the Floodplain Administrator.** The building official is appointed to administer, implement and enforce this chapter by granting or denying development permits in accordance with its provisions.
- (c) **Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the floodplain administrator shall include, but not be limited to:
 - (1) **Permit Review.** Review all development permits to determine that:
 - (i) Permit requirements of this chapter have been satisfied,
 - (ii) All other required state and federal permits have been obtained,
 - (iii) The site is reasonably safe from flooding, and
 - (iv) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other floods more than one foot at any point.
 - (2) **Review and Use of Any Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 16-5.16.050(b), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency or other source in order to administer Sections

- 16-5.16.070 through 16-5.16.140. Any such information shall be submitted to the City Council for adoption.
- (3) Notification of Other Agencies. In alteration or relocation of a watercourse:
- (i) Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation;
 - (ii) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 - (iii) Assure that the flood-carrying capacity within the altered or relocated portion of the watercourse is maintained.
- (4) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
- (i) Certification required by Section 16-5.16.070(c)(1) (lowest floor elevations);
 - (ii) Certification required by Section 16-5.16.070(c)(2) (elevation or flood proofing of nonresidential structures);
 - (iii) Certification required by Section 16-5.16.070(c)(3) (wet flood proofing standard);
 - (iv) Certification of elevation required by Section 16-5.16.090(b) (subdivision standards);
 - (v) Certification required by Section 16-5.16.120(a) (floodway encroachments);
 - (vi) Reports required by Section 16-5.16.130 (mudflow standards).
- (A) Map Determinations. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16-5.16.160.
- (B) Remedial Action. Take action to remedy violations of this chapter as specified in Section 16-5.16.050(c).
- (d) Appeals. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement of administration of this chapter.

Sec. 16-5.16.070:

Standards of construction

In all areas of special flood hazards the following standards are required:

- (a) Anchoring.
- (1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes shall meet the anchoring standards of Section 16-5.16.100.
- (b) Construction Materials and Methods. All new construction and substantial improvements shall be constructed:
- (1) With materials and utility equipment resistant to flood damage;
 - (2) Using methods and practices that minimize flood damage;
 - (3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (4) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- (c) Elevation and Flood proofing. (See definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement.")
- (1) Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

- (i) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified;
 - (ii) In an A zone, elevated to or above the base flood elevation, as determined by the city;
 - (iii) In all other zones, elevated to or above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basements shall be certified by a registered professional engineer or surveyor, or verified by the city building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.
- (2) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection (c)(1) of this section or together with attendant utility and sanitary facilities:
 - (i) Be flood proofed below the elevation recommended under subsection (c)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) Have structural components capable of restricting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (iii) Be certified by a registered professional engineer or architect that the standards of subsection (c)(2) of this section are satisfied. Such certifications shall be provided to the floodplain administrator.
- (3) All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basement) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
 - (i) Be certified by a registered professional engineer or architect; or
 - (ii) Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.
- (4) Manufactured homes shall also meet the standards of Section 16-5.16.100.

Sec. 16-5.16.080:

Standards for utilities

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - (1) Infiltration of flood waters into the system; and
 - (2) Discharge from systems into flood waters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 16-5.16.090:

Standards for subdivisions

- (a) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

- (b) All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

Sec. 16-5.16.100:

Standards for manufactured homes

- (a) All manufactured homes that are placed or substantially improved, within zones A1-30, AH and AE on the city's flood insurance rate map, on sites located
 - (1) Outside of a manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or
 - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.
- (b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the city's flood insurance rate map that are not subject to the provisions of subsection (a) of this section will be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement and be elevated so that either the:
 - (1) Lowest floor of the manufactured home is at or above the base flood elevation; or
 - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

Sec. 16-5.16.110:

Standards for recreational vehicles

- (a) All recreational vehicles placed on sites within zones A1-30, AH and AE on the city's flood insurance rate map will either:
 - (1) Be on the site for fewer than one hundred eighty consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (2) Meet the permit requirements of Section 16-5.16.060 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 16-5.16.100(a).
- (b) Recreation vehicles placed on sites within the city's flood insurance rate map will meet the requirements of subsection (a) of this section.

Sec. 16-5.16.120:

Floodways

Located within areas of special flood hazard established in Section 16-5.16.050(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvement and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevations during the occurrence of the base flood discharge.
- (b) If subsection (a) of this section is satisfied, all new construction and substantial improvement and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 16-5.16.070 through 16-5.16.140.

Sec. 16-5.16.130:

Mudslide prone areas

- (a) The floodplain administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.
- (b) Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the:
 - (1) Type and quality of soils;
 - (2) Evidence of ground water or surface water problems;
 - (3) Depth and quality of any fill;
 - (4) Overall slope of the site; and
 - (5) Weight that any proposed development will impose on the slope.
- (c) Within areas which may have mudslide hazards, the floodplain administrator shall require that:
 - (1) A site investigation and further review be made by persons qualified in geology and soils engineering;
 - (2) The proposed grading, excavation, new construction and substantial improvement be adequately designed and protected against mudslide damages;
 - (3) The proposed grading, excavations, new construction and substantial improvement not aggravate the existing hazard by creating either on-site or off-site disturbances; and
 - (4) Drainage, planting, watering and maintenance not endanger slope stability.

Sec. 16-5.16.140:

Flood-related erosion-prone areas

- (a) The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the city.
- (b) Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
- (c) If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosions hazard.
- (d) Within zone E on the flood insurance rate map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

Sec. 16-5.16.150:

Nature of variances

The variance criteria set forth in this section of this chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the city to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Sec. 16-5.16.160:

Appeal Board

- (a) In passing upon requests for variances, the city shall consider all technical evaluations, all relevant factors, standards specified in other sections of the chapter, and the:
 - (1) Danger that materials may be swept onto other lands to the injury of others;
 - (2) Danger to life and property due to the flooding or erosion damage;
 - (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - (4) Importance of the services provided by the proposed facility to the community;
 - (5) Necessity to the facility of a waterfront location, where applicable;
 - (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) Compatibility of the proposed use with existing and anticipated development;
 - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (10) Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
 - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system and streets and bridges.
- (b) Any applicant to whom a variance is granted shall be given written notice over the signature of a city official that:
 - (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
 - (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Bernardino County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

- (c) The floodplain administrator will maintain a record of all variance actions, including justification for their issue, and report any variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

Sec. 16-5.16.170:

Conditions for variances

- (a) Generally, variances may be issued for new construction, substantial improvement and other proposed new development to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level; providing, that the procedures of Sections 16-5.16.060 through 16-5.16.140 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city believes will both provide relief and preserve the integrity of this chapter.
- (e) Variances shall only be issued upon a:
 - (1) Showing of good and sufficient cause;
 - (2) Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
- (f) Variances may be issued for new construction, substantial improvement and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections (a) through (e) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- (g) Upon consideration of the factors of Section 16-5.16.160(a) and the purposes of this chapter, the city may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

Article 17: Earthquake Hazard Reduction for Unreinforced Masonry Buildings

Sec. 16-5.17.010 Intent and purpose

Sec. 16-5.17.020 Scope

Sec. 16-5.17.030 Financing

Sec. 16-5.17.040 Alternate materials

Sec. 16-5.17.050 Analysis and design

Sec. 16-5.17.010:

Intent and purpose

- (a) In accordance with California Government Code, Chapter 12.2, Section 8875, the purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on buildings of unreinforced masonry construction. Such buildings have been recognized for their sustaining of life-hazardous damage as a result of partial or complete collapse during moderate to strong earthquakes.
- (b) The provisions of this chapter are minimum standards for structural seismic resistance established to reduce the risk of loss of life or injury and will not necessarily prevent loss of life or injury or prevent damage to an existing building which complies with this chapter.
- (c) The regulations contained within this chapter shall be complied with in accordance with the following:
 - (1) The analysis and design plans for the retrofitting shall be prepared and submitted to the Building Division, for review, approval, issuance of permits, and completion of construction within seven years of the adoption of these regulations. Those properties which change ownership, use, or occupancy shall comply with all requirements of this chapter prior to the sale of the property or at such time as the change of use or occupancy of the building.

Sec. 16-5.17.020:

Scope

The requirements of this chapter shall apply to all unreinforced masonry buildings constructed prior to adoption of earthquake design requirements by this jurisdiction. The requirements of this chapter do not apply to single-family residences.

Exception: Any building owner who proposes to change the use or occupancy of the structure pursuant to Section 16-5.17.010(c)(1), or who is unable to comply with the time limitations of Section 16-5.17.010(c)(1), may appeal to the board of appeals stating reasons as to why total compliance cannot be achieved. All board hearings shall be conducted within the regulations contained within the most current adopted edition of the California Building Code, and all rulings shall be final.

Sec. 16-5.17.030:

Financing

- (a) The State Legislature has recognized that property owners may need other than private financial assistance in bringing buildings into compliance with the seismic safety standards and regulations. The State Legislature has amended the 1913 Act to authorize bond financing for private property seismic safety improvements. Property owners wishing to utilize the 1913 Act as the financing mechanism must apply to the city to facilitate the issuance of bonds and subsequent financing. Funding shall be in accordance with regulations contained within the Municipal Improvement Act of 1913 requiring the property owner to agree that the property improved shall be liened to provide collateral for the bond issue.

- (b) In addition to the above, other sources of funding as they become available through state and federal loan and grant programs may be utilized including community development block grant funds.

Sec. 16-5.17.040:

Alternate materials

Alternate materials, designs and methods of construction may be approved by the building official in accordance with the California Building Code.

Sec. 16-5.17.050:

Analysis and design

The analysis and design of plans for the retrofitting shall be prepared and submitted to the Building Division for review. Such design shall be from an engineer and/or architect licensed in the State of California. The analysis, design, construction, and inspection of such retrofit shall comply with the most current version of the California Building Code.

Article 18: Post-Disaster Safety Assessment Placards

Sec. 16-5.18.010 Purpose

Sec. 16-5.18.020 Application of provisions

Sec. 16-5.18.030 Placards

Sec. 16-5.18.010:

Purpose

It is the purpose of this chapter to establish standard placards to be used to indicate the condition of a building or structure for continued occupancy after any natural or manmade disaster. This chapter further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

Sec. 16-5.18.020:

Application of provisions

The provisions of this chapter are applicable, following each natural or manmade disaster, to all buildings and structures of all occupancies regulated by the city. The City Council may extend the provisions as necessary.

Sec. 16-5.18.030:

Placards

- (a) The official city placards shall indicate one of the following three conditions for continued occupancy of buildings or structures:
 - (1) Inspected--Lawful Occupancy Permitted. The placard describing this condition is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure. Occupants should always be cautious of potential hazards following any natural or manmade disaster.
 - (2) Restricted Use--Off-Limits to Unauthorized Personnel. The placard describing this condition is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of Restriction to the Continued Occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
 - (3) Unsafe--Do Not Enter or Occupy. The placard describing this condition is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general term the type of damage encountered.
- (b) In addition to the above descriptive conditions, each placard shall also contain the city Development Department's address and telephone number along with the number of this city chapter.
- (c) Once the placard has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official or upon written notification from the city Development Department.